

# JOURNAL OF THE HOUSE

SECOND REGULAR SESSION, 90th GENERAL ASSEMBLY

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SIXTY-THIRD DAY, TUESDAY, MAY 2, 2000

Speaker Pro Tem Kreider in the Chair.

Prayer by Father David Buescher.

Compassion and justice are Your names, oh loving God of history. Show Yourself in our deliberations today. May this work begin in You, and in You find completion. Let the words we compose and the laws we pass reflect in some way Your desires for our state and Your dream for humanity. Amen.

The Pledge of Allegiance to the flag was recited.

The Speaker appointed the following to act as Honorary Pages for the Day, to serve without compensation: Laura Swank, Emily Woods, Michael Cassilly, Lauren Walter, Nicholas Bouvatte, Anne Mills, Brady Hanlen, Megan O'Brien, Ina Redstone, Rachael Amick, Courtney Hawkins, Yamini Krishnamarthy, Lee Windmiller, Hillary S. Greenwell, Sandra Marie Greenwell, Adam Henner and Jordan Henner.

The Journal of the sixty-second day was approved as corrected by the following vote:

AYES: 085

Abel	Auer	Backer	Barry 100	Berkowitz
Bonner	Boucher 48	Boykins	Bray 84	Britt
Brooks	Campbell	Clayton	Crump	Curls
Davis 122	Davis 63	Days	Dougherty	Farnen
Fitzwater	Foley	Ford	Franklin	Fraser
Gambaro	George	Graham 24	Gratz	Green
Gunn	Hagan-Harrell	Hampton	Harlan	Hickey
Hilgemann	Hollingsworth	Hoppe	Hosmer	Kelly 27
Kennedy	Kissell	Koller	Kreider	Lakin
Lawson	Leake	Liese	Luetkenhaus	May 108
Mays 50	McBride	McKenna	McLuckie	Merideth
Monaco	Murray	O'Connor	O'Toole	Overschmidt
Parker	Ransdall	Relford	Reynolds	Riley
Rizzo	Scheve	Schilling	Seigfreid	Selby
Shelton	Skaggs	Smith	Thompson	Treadway
Troupe	Van Zandt	Wagner	Ward	Wiggins
Williams 121	Williams 159	Wilson 25	Wilson 42	Mr. Speaker

NOES: 074

Akin	Alter	Ballard	Barnett	Bartelsmeyer
Bartle	Bennett	Black	Blunt	Boatright
Burton	Champion	Chrismer	Cierpiot	Crawford
Dolan	Elliott	Enz	Evans	Foster
Froelker	Gaskill	Gibbons	Graham 106	Griesheimer
Gross	Hanaway	Hartzler 123	Hartzler 124	Hegeman
Hendrickson	Hohulin	Holand	Howerton	Kasten

Kelley 47	King	Klindt	Legan	Levin
Linton	Lograsso	Long	Loudon	Luetkemeyer
Marble	McClelland	Miller	Murphy	Myers
Naeger	Nordwald	Ostmann	Patek	Phillips
Pouche 30	Pryor	Purgason	Reid	Reinhart
Richardson	Ridgeway	Robirds	Ross	Sallee
Schwab	Scott	Secrest	Shields	Summers
Surface	Tudor	Vogel	Wright	

PRESENT: 000

ABSENT WITH LEAVE: 003

Berkstresser                      Stokan                      Townley

VACANCIES: 001

### **HOUSE COURTESY RESOLUTIONS OFFERED AND ISSUED**

House Resolution No. 1373 - Representative Abel  
House Resolution No. 1374  
and  
House Resolution No. 1375 - Representative Relford  
House Resolution No. 1376 - Representative Ladd Stokan  
House Resolution No. 1377  
and  
House Resolution No. 1378 - Representative Burton  
House Resolution No. 1379 - Representatives Burton and Surface  
House Resolution No. 1380 - Representative Relford  
House Resolution No. 1381 - Representative Graham (106)  
House Resolution No. 1382 - Representative Black  
House Resolution No. 1383  
and  
House Resolution No. 1384 - Representative Patek  
House Resolution No. 1385  
through  
House Resolution No. 1388 - Representative Fitzwater  
House Resolution No. 1389 - Representative Riback Wilson (25)  
House Resolution No. 1390  
through  
House Resolution No. 1393 - Representative Britt

### **SECOND READING OF HOUSE CONCURRENT RESOLUTION**

**HCR 38** was read the second time.

### **COMMITTEE REPORTS**

**Committee on Rules, Joint Rules and Bills Perfected and Printed**, Chairman Crump reporting:

Mr. Speaker: Your Committee on Rules, Joint Rules and Bills Perfected and Printed, to which was referred **HB 1159** and **HS HCS HB 1888**, begs leave to report it has examined the same and finds them to be truly perfected and that the printed copies thereof furnished the members are correct.

**Committee on Fiscal Review**, Chairman Backer reporting:

Mr. Speaker: Your Committee on Fiscal Review, to which was referred **HCS SCS SB 721**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Fiscal Review, to which was referred **HCS SS SB 813**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Fiscal Review, to which was referred **HCS SS SB 896**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Fiscal Review, to which was referred **HCS SB 944**, begs leave to report it has examined the same and recommends that it **Do Pass**.

### REFERRAL OF HOUSE BILLS

The following House Bills were referred to the Committee indicated:

**HS HCS HB 1888** - Fiscal Review (Fiscal Note)

**HB 1159** - Fiscal Review (Fiscal Note)

### HOUSE BILLS WITH SENATE AMENDMENTS

**HB 1353, with Senate Committee Amendment No. 1**, relating to coroners' reports, was taken up by Representative Farnen.

On motion of Representative Farnen, **Senate Committee Amendment No. 1** was adopted by the following vote:

AYES: 154

Abel	Akin	Alter	Auer	Backer
Ballard	Barnett	Barry 100	Bartelsmeyer	Bartle
Bennett	Berkowitz	Black	Blunt	Boatright
Bonner	Boykins	Bray 84	Britt	Brooks
Burton	Campbell	Champion	Chrismer	Cierpiot
Clayton	Crawford	Crump	Curls	Davis 122
Davis 63	Days	Dolan	Dougherty	Elliott
Enz	Evans	Farnen	Fitzwater	Foley
Ford	Foster	Fraser	Froelker	Gambara
Gaskill	George	Gibbons	Graham 106	Graham 24
Gratz	Green	Griesheimer	Gross	Hagan-Harrell
Hampton	Hanaway	Hartzler 124	Hegeman	Hendrickson
Hickey	Hilgemann	Hohulin	Holand	Hollingsworth
Hoppe	Hosmer	Howerton	Kasten	Kelley 47
Kelly 27	Kennedy	King	Kissell	Klindt
Koller	Kreider	Lakin	Lawson	Leake

Legan	Levin	Liese	Linton	Lograsso
Long	Loudon	Luetkemeyer	Luetkenhaus	Marble
May 108	Mays 50	McBride	McClelland	McKenna
McLuckie	Merideth	Miller	Monaco	Murphy
Murray	Myers	Naeger	Nordwald	O'Connor
O'Toole	Ostmann	Overschmidt	Parker	Patek
Phillips	Pouche 30	Pryor	Purgason	Ransdall
Reid	Reinhart	Relford	Reynolds	Richardson
Ridgeway	Riley	Rizzo	Robirds	Ross
Sallee	Scheve	Schilling	Schwab	Scott
Secrest	Seigfreid	Selby	Shelton	Shields
Skaggs	Smith	Summers	Surface	Thompson
Treadway	Troupe	Tudor	Van Zandt	Vogel
Wagner	Ward	Wiggins	Williams 121	Williams 159
Wilson 25	Wilson 42	Wright	Mr. Speaker	

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 008

Berkstresser	Boucher 48	Franklin	Gunn	Harlan
Hartzler 123	Stokan	Townley		

VACANCIES: 001

On motion of Representative Farnen, **HB 1353, as amended**, was truly agreed to and finally passed by the following vote:

AYES: 152

Abel	Akin	Alter	Auer	Backer
Ballard	Barnett	Barry 100	Bartelsmeyer	Bartle
Bennett	Berkowitz	Black	Blunt	Boatright
Bonner	Boykins	Bray 84	Britt	Brooks
Burton	Campbell	Champion	Chrismer	Cierpiot
Clayton	Crawford	Crump	Curls	Davis 122
Davis 63	Days	Dolan	Dougherty	Elliott
Enz	Evans	Farnen	Fitzwater	Foley
Ford	Foster	Fraser	Froelker	Gambaro
Gaskill	George	Gibbons	Graham 106	Graham 24
Gratz	Green	Griesheimer	Gross	Hagan-Harrell
Hampton	Hanaway	Harlan	Hartzler 124	Hegeman
Hendrickson	Hickey	Hilgemann	Hohulin	Holand
Hollingsworth	Hoppe	Hosmer	Howerton	Kasten
Kelley 47	Kelly 27	Kennedy	King	Kissell
Klindt	Koller	Kreider	Lakin	Lawson
Leake	Legan	Levin	Liese	Lograsso
Long	Loudon	Luetkemeyer	Luetkenhaus	Marble
May 108	Mays 50	McBride	McClelland	McKenna
McLuckie	Merideth	Miller	Monaco	Murphy
Murray	Myers	Naeger	Nordwald	O'Connor
O'Toole	Ostmann	Overschmidt	Parker	Phillips
Pouche 30	Pryor	Purgason	Ransdall	Reid
Reinhart	Relford	Reynolds	Richardson	Ridgeway
Riley	Rizzo	Robirds	Ross	Sallee
Scheve	Schilling	Schwab	Scott	Secrest
Selby	Shelton	Shields	Skaggs	Smith
Summers	Surface	Thompson	Treadway	Troupe
Tudor	Van Zandt	Vogel	Wagner	Ward
Wiggins	Williams 121	Williams 159	Wilson 25	Wilson 42
Wright	Mr. Speaker			

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 010

Berkstresser	Boucher 48	Franklin	Gunn	Hartzler 123
Linton	Patek	Seigfreid	Stokan	Townley

VACANCIES: 001

Speaker Pro Tem Kreider declared the bill passed.

On motion of Representative Green, title to the bill was agreed to.

Representative Campbell moved that the vote by which the bill passed be reconsidered.

Representative Auer moved that motion lay on the table.

The latter motion prevailed.

**SCS HB 1591**, relating to nursing home administrators, was taken up by Representative Backer.

Representative Backer moved that the House refuse to adopt **SCS HB 1591** and request the Senate to recede from its position or, failing to do so, grant the House a conference.

Which motion was adopted.

### MOTION

Representative Green moved that Rule 26 be suspended for this day, May 2, 2000, for the purpose of allowing meetings of conference committees on **SCS HCS HB 1105** through **SCS HCS HB 1112**.

Which motion was adopted by the following vote:

AYES: 132

Abel	Auer	Backer	Barry 100	Bennett
Berkowitz	Black	Bonner	Boucher 48	Boykins
Bray 84	Britt	Brooks	Burton	Campbell
Champion	Chrismer	Clayton	Crawford	Crump
Curls	Davis 122	Davis 63	Days	Dolan
Dougherty	Elliott	Enz	Evans	Farnen
Fitzwater	Foley	Ford	Foster	Fraser
Froelker	Gambara	George	Gibbons	Graham 106
Graham 24	Gratz	Green	Griesheimer	Gross
Hagan-Harrell	Hampton	Harlan	Hartzler 123	Hartzler 124
Hegeman	Hickey	Hilgemann	Holand	Hollingsworth
Hoppe	Hosmer	Howerton	Kasten	Kelley 47
Kelly 27	Kennedy	King	Kissell	Klindt
Koller	Kreider	Lakin	Lawson	Leake
Legan	Levin	Liese	Long	Luetkemeyer
Luetkenhaus	May 108	Mays 50	McBride	McClelland
McKenna	McLuckie	Merideth	Miller	Monaco
Murray	Myers	Naeger	Nordwald	O'Connor
O'Toole	Ostmann	Overschmidt	Parker	Pouche 30
Pryor	Ransdall	Relford	Reynolds	Richardson

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Riley	Rizzo	Robirds	Ross	Sallee
Scheve	Schilling	Schwab	Scott	Secrest
Seigfreid	Selby	Shelton	Shields	Skaggs
Smith	Summers	Surface	Thompson	Treadway
Troupe	Tudor	Van Zandt	Vogel	Wagner
Ward	Wiggins	Williams 121	Williams 159	Wilson 25
Wilson 42	Mr. Speaker			

NOES: 023

Akin	Alter	Ballard	Barnett	Bartelsmeyer
Bartle	Blunt	Boatright	Cierpiot	Gaskill
Hanaway	Hendrickson	Hohulin	Linton	Lograsso
Loudon	Marble	Murphy	Phillips	Purgason
Reid	Reinhart	Ridgeway		

PRESENT: 001

Patek

ABSENT WITH LEAVE: 006

Berkstresser	Franklin	Gunn	Stokan	Townley
Wright				

VACANCIES: 001

## CONFERENCE COMMITTEE CHANGES

The Speaker submitted the following Committee changes:

Representative Franklin is no longer a member of the Conference Committees on SCS HCS HB 1105, SCS HCS HB 1106, SCS HCS HB 1107, SCS HCS HB 1108, SCS HCS HB 1109, SCS HCS HB 1110, and SCS HCS HB 1111.

Representative Scheve has been appointed a member of the Conference Committee on SCS HCS HB 1105.

Representative Williams (159) has been appointed a member of the Conference Committee on SCS HCS HB 1106.

Representative Williams (159) has been appointed a member of the Conference Committee on SCS HCS HB 1107.

Representative Days has been appointed a member of the Conference Committee on SCS HCS HB 1108.

Representative Lakin has been appointed a member of the Conference Committee on SCS HCS HB 1109.

Representative Scheve has been appointed a member of the Conference Committee on SCS HCS HB 1110.

Representative Lakin has been appointed a member of the Conference Committee on SCS HCS HB 1111.

### THIRD READING OF SENATE BILLS

**HCS SCS SB 721**, relating to assistive technology, was taken up by Representative Boucher.

Representative Froelker offered **HS HCS SCS SB 721**.

**HS HCS SCS SB 721** was withdrawn.

Representative Froelker offered **House Amendment No. 1**.

#### *House Amendment No. 1*

AMEND House Committee Substitute for Senate Committee Substitute for Senate Bill No. 721, Page 7, Section 209.259, Line 25, by inserting after all of said line the following:

"Section B. Section 301.020, RSMo Supp. 1999, and section 302.171, as both versions appear in RSMo Supp. 1999, are repealed and three new sections enacted in lieu thereof, to be known as sections 192.936, 301.020 and 302.171, to read as follows:

**192.936. 1. There is hereby created in the state treasury the "Blindness Education, Screening and Treatment Program Fund". The fund shall consist of moneys donated pursuant to subsection 7 of section 301.020, RSMo, and subsection 3 of section 302.171, RSMo. Unexpended balances in the fund at the end of any fiscal year shall not be transferred to the general revenue fund or any other fund, the provisions of section 33.080, RSMo, to the contrary notwithstanding.**

**2. Subject to the availability of funds in the blindness education, screening and treatment program fund, the department shall develop a blindness education, screening and treatment program to provide blindness prevention education and to provide screening and treatment for persons who do not have adequate coverage for such services under a health benefit plan.**

**3. The program shall provide for:**

- (1) Public education about blindness and other eye conditions;**
- (2) Screenings and eye examinations to identify conditions that may cause blindness; and**
- (3) Treatment procedures necessary to prevent blindness.**

**4. The department may contract for program development with any department approved nonprofit organization dealing with regional and community blindness education, eye donor and vision treatment services.**

**5. The department may adopt rules to prescribe eligibility requirements for the program.**

**6. No rule or portion of a rule promulgated pursuant to the authority of this section shall become effective unless it has been promulgated pursuant to the provisions of chapter 536, RSMo.**

301.020. 1. Every owner of a motor vehicle or trailer, which shall be operated or driven upon the highways of this state, except as herein otherwise expressly provided, shall annually file, by mail or otherwise, in the office of the director of revenue, an application for registration on a blank to be furnished by the director of revenue for that purpose containing:

- (1) A brief description of the motor vehicle or trailer to be registered, including the name of the manufacturer, the vehicle identification number, the amount of motive power of the motor vehicle, stated in figures of horsepower and whether the motor vehicle is to be registered as a motor vehicle primarily for business use as defined in section 301.010;**
- (2) The name, the applicant's identification number and address of the owner of such motor vehicle or trailer;**
- (3) The gross weight of the vehicle and the desired load in pounds if the vehicle is a commercial motor vehicle or trailer.**

**2. If the vehicle is a motor vehicle primarily for business use as defined in section 301.010 and if such vehicle is five years of age or less, the director of revenue shall retain the odometer information provided in the vehicle inspection report, and provide for prompt access to such information, together with the vehicle identification number**

for the motor vehicle to which such information pertains, for a period of five years after the receipt of such information. This section shall not apply unless:

- (1) The application for the vehicle's certificate of ownership was submitted after July 1, 1989; and
- (2) The certificate was issued pursuant to a manufacturer's statement of origin.

3. If the vehicle is any motor vehicle other than a motor vehicle primarily for business use, a recreational motor vehicle, motorcycle, motortricycle, bus or any commercial motor vehicle licensed for over twelve thousand pounds and if such motor vehicle is five years of age or less, the director of revenue shall retain the odometer information provided in the vehicle inspection report, and provide for prompt access to such information, together with the vehicle identification number for the motor vehicle to which such information pertains, for a period of five years after the receipt of such information. This subsection shall not apply unless:

- (1) The application for the vehicle's certificate of ownership was submitted after July 1, 1990; and
- (2) The certificate was issued pursuant to a manufacturer's statement of origin.

4. If the vehicle qualifies as a reconstructed motor vehicle, motor change vehicle, specially constructed motor vehicle, non-USA-std motor vehicle, as defined in section 301.010, the owner or lienholder shall surrender the certificate of ownership. The owner shall make an application for a new certificate of ownership, pay the required title fee, and obtain the vehicle examination certificate required pursuant to section 301.190. Notarized bills of sale along with a copy of the front and back of the certificate of ownership for all major component parts installed on the vehicle and invoices for all essential parts which are not defined as major component parts shall accompany the application for a new certificate of ownership. If the vehicle is a specially constructed motor vehicle, as defined in section 301.010, two pictures of the vehicle shall be submitted with the application. If the vehicle is a kit vehicle, the applicant shall submit the invoice and the manufacturer's statement of origin on the kit. If the vehicle requires the issuance of a special number by the director of revenue or a replacement vehicle identification number, the applicant shall submit the required application and application fee. All applications required under this subsection shall be submitted with any applicable taxes which may be due on the purchase of the vehicle or parts. The director of revenue shall appropriately designate "Reconstructed Motor Vehicle", "Motor Change Vehicle", "Non-USA-Std Motor Vehicle", or "Specially Constructed Motor Vehicle" on the current and all subsequent issues of the certificate of ownership of such vehicle.

5. Every insurance company which pays a claim for repair of a motor vehicle which as the result of such repairs becomes a reconstructed motor vehicle as defined in section 301.010 shall in writing notify the claimant, if he is the owner of the vehicle, and the lienholder if a lien is in effect, that he is required to surrender the certificate of ownership, and the documents and fees required pursuant to subsection 3 of this section, to the director of revenue. The insurance company shall within thirty days of the payment of such claims report to the director of revenue the name and address of such claimant, the year, make, model, vehicle identification number, and license plate number of the vehicle, and the date of loss and payment.

6. Anyone who fails to comply with the requirements of this section shall be guilty of a class B misdemeanor.

**7. An applicant for registration may make a donation of one dollar to promote a blindness education, screening and treatment program. The director of revenue shall collect the donations and deposit all such donations in the state treasury to the credit of the blindness education, screening and treatment program fund established in section 192.936, RSMo. Moneys in the blindness education, screening and treatment program fund shall be used solely for the purposes established in section 192.936, RSMo, except that the department of revenue shall retain no more than one percent for its administrative costs. The donation prescribed in this subsection is voluntary and may be refused by the applicant for registration at the time of issuance or renewal. The director shall inquire of each applicant at the time the applicant presents the completed application to the director whether the applicant is interested in making the one dollar donation prescribed in this subsection.**

302.171. 1. Application for a license shall be made upon an approved form furnished by the director. Every application shall state the full name, Social Security number, age, height, weight, color of eyes, sex, residence, mailing address of the applicant, and the classification for which the applicant has been licensed, and, if so, when and by what state, and whether or not such license has ever been suspended, revoked, or disqualified, and, if revoked, suspended or disqualified, the date and reason for such suspension, revocation or disqualification and whether the applicant is making a one dollar donation to promote an organ donation program as prescribed in subsection 2 of this section. The application shall also contain such information as the director may require to enable the director to determine the applicant's qualification for driving a motor vehicle; and shall state whether or not the applicant has been convicted in this or any other state for violating the laws of this or any other state or any ordinance of any municipality, relating to driving without a license, careless driving, or driving while intoxicated, or failing to stop after an accident and disclosing the applicant's identity, or driving a motor vehicle without the owner's consent. The application shall contain a



certification by the applicant as to the truth of the facts stated therein. Every person who applies for a license to operate a motor vehicle who is less than twenty-one years of age shall be provided with educational materials relating to the hazards of driving while intoxicated, including information on penalties imposed by law for violation of the intoxication-related offenses of the state. Beginning January 1, 2001, if the applicant is less than eighteen years of age, the applicant must comply with all requirements for the issuance of an intermediate driver's license pursuant to section 302.178.

2. An applicant for a license may make a donation of one dollar to promote an organ donor program. The director of revenue shall collect the donations and deposit all such donations in the state treasury to the credit of the organ donor program fund established in sections 194.297 to 194.304, RSMo. Moneys in the organ donor program fund shall be used solely for the purposes established in sections 194.297 to 194.304, RSMo, except that the department of revenue shall retain no more than one percent for its administrative costs. The donation prescribed in this subsection is voluntary and may be refused by the applicant for the license at the time of issuance or renewal of the license. The director shall make available an informational booklet or other informational sources on the importance of organ donations to applicants for licensure as designed by the organ donation advisory committee established in sections 194.297 to 194.304, RSMo. The director shall inquire of each applicant at the time the licensee presents the completed application to the director whether the applicant is interested in making the one dollar donation prescribed in this subsection and whether the applicant is interested in making an organ donation and shall also specifically inform the licensee of the ability to make an organ donation by completing the form on the reverse of the license that the applicant will receive in the manner prescribed by subsection 6 of section 194.240, RSMo. The director shall notify the department of health of information obtained from applicants who indicate to the director that they are interested in making organ donations, and the department of health shall enter the complete name, address, date of birth, race, gender and a unique personal identifier in the registry established in subsection 1 of section 194.304, RSMo.

**3. An applicant for a license may make a donation of one dollar to promote a blindness education, screening and treatment program. The director of revenue shall collect the donations and deposit all such donations in the state treasury to the credit of the blindness education, screening and treatment program fund established in section 192.936, RSMo. Moneys in the blindness education, screening and treatment program fund shall be used solely for the purposes established in section 192.936, RSMo, except that the department of revenue shall retain no more than one percent for its administrative costs. The donation prescribed in this subsection is voluntary and may be refused by the applicant for the license at the time of issuance or renewal of the license. The director shall inquire of each applicant at the time the licensee presents the completed application to the director whether the applicant is interested in making the one dollar donation prescribed in this subsection.**

[302.171. 1. Application for a license shall be made upon an approved form furnished by the director. Every application shall state the full name, Social Security number, age, height, weight, color of eyes, color of hair, sex, residence, mailing address of the applicant, and the classification for which the applicant has been licensed, and, if so, when and by what state, and whether or not such license has ever been suspended, revoked, or disqualified, and, if revoked, suspended or disqualified, the date and reason for such suspension, revocation or disqualification and whether the applicant is making a one dollar donation to promote an organ donation program as prescribed in subsection 2 of this section. The application shall also contain such information as the director may require to enable the director to determine the applicant's qualification for driving a motor vehicle; and shall state whether or not the applicant has been convicted in this or any other state for violating the laws of this or any other state or any ordinance of any municipality, relating to careless driving, or driving while intoxicated, or failing to stop after an accident and disclosing the applicant's identity, or driving a motor vehicle without the owner's consent. The application shall contain a certification by the applicant as to the truth of the facts stated therein. Every person who applies for a license to operate a motor vehicle who is less than twenty-one years of age shall be provided with educational materials relating to the hazards of driving while intoxicated, including information on penalties imposed by law for violation of the intoxication-related offenses of the state.

2. An applicant for a license may make a donation of one dollar to promote an organ donor program. The director of revenue shall collect the donations and deposit all such donations in the state treasury to the credit of the organ donor program fund established in sections 194.297 to 194.304, RSMo. Moneys in the organ donor program fund shall be used solely for the purposes established in sections 194.297 to 194.304, RSMo, except that the department of revenue shall retain no more than one percent for its administrative costs. The donation prescribed in this subsection is voluntary and may be refused by the applicant for the license at the time of issuance or renewal of the license. The director shall make available an informational booklet or other informational sources on the importance of organ

donations to applicants for licensure as designed by the organ donation advisory committee established in sections 194.297 to 194.304, RSMo. The director shall inquire of each applicant at the time the licensee presents the completed application to the director whether the applicant is interested in making the one dollar donation prescribed in this subsection and whether the applicant is interested in making an organ donation and shall also specifically inform the licensee of the ability to make an organ donation by completing the form on the reverse of the license that the applicant will receive in the manner prescribed by subsection 6 of section 194.240, RSMo. The director shall notify the department of health of information obtained from applicants who indicate to the director that they are interested in making organ donations, and the department of health shall enter the complete name, address, date of birth, race, gender and a unique personal identifier in the registry established in subsection 1 of section 194.304, RSMo.]

Section C. The provisions of section B of this act shall become effective January 1, 2001."; and

Further amend said title, enacting clause and intersectional references accordingly.

On motion of Representative Froelker, **House Amendment No. 1** was adopted by the following vote:

AYES: 150

Abel	Akin	Alter	Auer	Backer
Ballard	Barnett	Barry 100	Bartelsmeyer	Bartle
Bennett	Berkowitz	Black	Blunt	Boatright
Bonner	Boucher 48	Boykins	Bray 84	Britt
Brooks	Burton	Campbell	Champion	Chrismer
Cierpiot	Clayton	Crawford	Crump	Curls
Davis 122	Davis 63	Days	Dougherty	Elliott
Enz	Evans	Farnen	Fitzwater	Foley
Ford	Foster	Fraser	Froelker	Gambara
Gaskill	George	Gibbons	Graham 106	Graham 24
Gratz	Green	Griesheimer	Gross	Hagan-Harrell
Hampton	Hanaway	Harlan	Hartzler 123	Hartzler 124
Hegeman	Hendrickson	Hickey	Hilgemann	Hohulin
Hollingsworth	Hoppe	Hosmer	Howerton	Kasten
Kelley 47	Kelly 27	Kennedy	Kissell	Klindt
Koller	Kreider	Lakin	Lawson	Leake
Legan	Levin	Liese	Linton	Lograsso
Long	Loudon	Luetkemeyer	Luetkenhaus	Marble
May 108	Mays 50	McBride	McClelland	McKenna
McLuckie	Merideth	Miller	Monaco	Murphy
Murray	Myers	Naeger	Nordwald	O'Connor
O'Toole	Ostmann	Overschmidt	Parker	Patek
Phillips	Pouche 30	Pryor	Purgason	Ransdall
Reid	Reinhart	Relford	Reynolds	Richardson
Ridgeway	Riley	Rizzo	Robirds	Ross
Schilling	Schwab	Scott	Secrest	Seigfreid
Selby	Shelton	Shields	Skaggs	Smith
Summers	Surface	Thompson	Troupe	Tudor
Van Zandt	Vogel	Wagner	Ward	Wiggins
Williams 159	Wilson 25	Wilson 42	Wright	Mr. Speaker

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 012

Berkstresser	Dolan	Franklin	Gunn	Holand
King	Sallee	Scheve	Stokan	Townley
Treadway	Williams 121			

VACANCIES: 001

On motion of Representative Boucher, **HCS SCS SB 721, as amended**, was adopted.

On motion of Representative Boucher, **HCS SCS SB 721, as amended**, was read the third time and passed by the following vote:

AYES: 147

Abel	Akin	Alter	Auer	Backer
Ballard	Barnett	Bartelsmeyer	Bartle	Bennett
Berkowitz	Black	Blunt	Boatright	Bonner
Boucher 48	Boykins	Bray 84	Britt	Brooks
Burton	Campbell	Champion	Chrismer	Cierpiot
Clayton	Crawford	Crump	Curls	Davis 122
Davis 63	Days	Dolan	Dougherty	Elliott
Enz	Evans	Farnen	Fitzwater	Foley
Ford	Foster	Fraser	Froelker	Gambaro
Gaskill	George	Graham 106	Graham 24	Gratz
Green	Griesheimer	Gross	Hagan-Harrell	Hampton
Hanaway	Hartzler 123	Hartzler 124	Hegeman	Hendrickson
Hickey	Hilgemann	Hohulin	Holand	Hollingsworth
Hoppe	Hosmer	Howerton	Kasten	Kelley 47
Kelly 27	Kennedy	King	Kissell	Klindt
Koller	Kreider	Lakin	Lawson	Leake
Legan	Levin	Liese	Linton	Lograsso
Long	Loudon	Luetkemeyer	Luetkenhaus	Marble
May 108	Mays 50	McClelland	McKenna	McLuckie
Merideth	Miller	Monaco	Murphy	Murray
Myers	Naeger	Nordwald	O'Connor	O'Toole
Ostmann	Overschmidt	Parker	Patek	Phillips
Pouche 30	Pryor	Ransdall	Reid	Reinhart
Relford	Richardson	Ridgeway	Riley	Rizzo
Robirds	Sallee	Schilling	Schwab	Scott
Secrest	Seigfreid	Selby	Shelton	Shields
Skaggs	Smith	Summers	Surface	Thompson
Troupe	Tudor	Van Zandt	Vogel	Wagner
Ward	Wiggins	Williams 159	Wilson 25	Wilson 42
Wright	Mr. Speaker			

NOES: 001

Reynolds

PRESENT: 000

ABSENT WITH LEAVE: 014

Barry 100	Berkstresser	Franklin	Gibbons	Gunn
Harlan	McBride	Purgason	Ross	Scheve
Stokan	Townley	Treadway	Williams 121	

VACANCIES: 001

Speaker Pro Tem Kreider declared the bill passed.

On motion of Representative Lakin, title to the bill was agreed to.

Representative Schilling moved that the vote by which the bill passed be reconsidered.

Representative Wagner moved that motion lay on the table.

The latter motion prevailed.

Representative Smith assumed the Chair.

**HCS SS SB 813**, relating to law enforcement officers, was taken up by Representative Kissell.

Representative Backer offered **House Amendment No. 1**.

*House Amendment No. 1*

AMEND House Committee Substitute for Senate Substitute for Senate Bill No. 813, Page 3, Section 650.010, Line 14, by adding after the word “employee” the following:

**“developmental aide, psychiatric aide, security aide”.**

On motion of Representative Backer, **House Amendment No. 1** was adopted.

Representative Kreider offered **House Amendment No. 2**.

Representative Kissell raised a point of order that **House Amendment No. 2** goes beyond the scope of the bill.

Representative Smith requested a parliamentary ruling.

The Parliamentary Committee ruled the point of order well taken.

Representative Thompson offered **House Amendment No. 2**.

*House Amendment No. 2*

AMEND House Committee Substitute for Senate Substitute for Senate Bill No. 813, Page 4, Section 650.010, Line 33, by inserting the following at the end of said line:

**“Section 1. 1. All law enforcement agency personnel records of a peace officer shall be made available to any hiring law enforcement agency, including, but not limited to, uncompleted investigations of alleged acts of the peace officer.**

**2. Any law enforcement agency with information showing a peace officer’s unfitness for certification shall provide such information to the peace officer standards and training commission.”; and**

Further amend the title, enacting clause and intersectional references accordingly.

Representative Thompson moved that **House Amendment No. 2** be adopted.

Which motion was defeated.

Representative Ward offered **House Amendment No. 3**.

Representative Shields raised a point of order that **House Amendment No. 3** goes beyond the scope of the bill.

Representative Smith requested a parliamentary ruling.

The Parliamentary Committee ruled the point of order well taken.

Representative Selby offered **House Amendment No. 3.**

*House Amendment No. 3*

AMEND House Committee Substitute for Senate Substitute for Senate Bill No. 813, Page 1, Section 85.011, Line 1, by inserting immediately after the number "85.011." the number "**1.**"; and

Further amend said bill, Page 2, Section 85.011, Line 24, by inserting after all of said line the following:

**"2. Any chief law enforcement officer employed by the state or any political subdivision of the state shall be provided written policies and procedures outlining disciplinary actions and dismissals in regards to such officer's position by the governing body."**; and

Further amend said title, enacting clause and intersectional references accordingly.

On motion of Representative Selby, **House Amendment No. 3** was adopted.

Representative Relford offered **House Amendment No. 4.**

Representative Kissell raised a point of order that **House Amendment No. 4** goes beyond the scope of the bill.

Representative Smith requested a parliamentary ruling.

The Parliamentary Committee ruled the point of order well taken.

Representative Hampton offered **House Amendment No. 4.**

*House Amendment No. 4*

AMEND House Committee Substitute for Senate Substitute for Senate Bill No. 813, Page 2, Section 85.011, Line 24, by inserting the following at the end of said section:

"306.165. Each water [patrolman] **patrol officer** appointed by the Missouri state water patrol and each of such other employees as may be designated by the patrol, before entering upon his **or her** duties, shall take and subscribe an oath of office to perform [his] **all** duties faithfully and impartially, and shall be given a certificate of appointment, a copy of which shall be filed with the secretary of state, granting [him] all the powers of a peace officer to enforce all laws of this state, upon all of the following:

- (1) The waterways of this state bordering the lands set forth in subdivisions (2), (3), (4), and (5) of this section;
- (2) All federal land, where not prohibited by federal law or regulation, and state land adjoining the waterways of this state;
- (3) All land within three hundred feet of the areas in subdivision (2) of this section;
- (4) All land adjoining and within six hundred feet of any waters impounded in areas not covered in subdivision (2) with a shoreline in excess of four miles;
- (5) All land adjoining and within six hundred feet of the rivers and streams of this state;
- (6) Any other jurisdictional area, pursuant to the provisions of section 306.167.

Each water [patrolman] **patrol officer** may board any watercraft at any time, with probable cause, for the purpose of making any inspection necessary to determine compliance with the provisions of this chapter. Each water [patrolman]

**patrol officer** may arrest on view[,] and without a warrant[,] any person he **or she** sees violating or who [he] **such patrol officer** has reasonable grounds to believe has violated any law of this state, upon any water or land area subject to his **or her** jurisdiction as provided in this section. It is further provided that each water [patrolman] **patrol officer** shall be bonded in like manner and amount as sheriffs [under] **pursuant to** section 57.020, RSMo. Each water [patrolman] **patrol officer** shall, within six months after receiving [his] **a** certificate of appointment, satisfactorily complete a law enforcement training course including six hundred hours of actual instruction conducted by a duly constituted law enforcement agency or any other school approved [under] **pursuant to** chapter 590, RSMo. **In addition to the powers previously prescribed in this section, each water patrol officer, while investigating an accident or crime which was originally committed within such patrol officer's jurisdiction as set forth in this section, may arrest any person who he or she has probable cause to believe has committed such crime, even if such person is presently out of the water patrol's jurisdiction."**; and

Further amend said title, enacting clause and intersectional references accordingly.

On motion of Representative Hampton, **House Amendment No. 4** was adopted.

Representative Rizzo offered **House Amendment No. 5**.

*House Amendment No. 5*

AMEND House Committee Substitute for Senate Substitute for Senate Bill No. 813, Page 4, Section 650.010, Line 33, by inserting the following new section immediately following said line:

"84.610. **1.** Any police officer, policeman or employee adversely affected by any action taken by the chief which he is required to report to the board under the provisions of subdivision (1) of section 84.500 shall have the right to have such action of the chief of police reviewed by the police board upon filing with the secretary of the board within ten days after the effective date of such action a written request for review by said police board. Whereupon the police board shall [grant] **appoint a hearing officer to take evidence in** a public hearing within fifteen days after the filing of such request. The [board] **hearing officer** shall have the power to inquire into all the facts and circumstances pertaining to such action and may compel the attendance of witnesses by subpoena at the request of either the police officer, policeman or employee involved, the chief of police or [any member of the board.] **the hearing officer. The hearing officer shall within thirty days after the public hearing make a report to the board.** The board shall have the power upon **receiving** such [hearing] **report** to affirm, modify or reverse such action of the chief and may make such orders as the board may deem necessary. The board shall report all decisions in writing to the chief of police and to the officer or employee involved. [Each decision of the police board in such case shall be final and not subject to review by any court.]".

On motion of Representative Rizzo, **House Amendment No. 5** was adopted.

Speaker Pro Tem Kreider resumed the Chair.

Representative Relford offered **House Amendment No. 6**.

*House Amendment No. 6*

AMEND House Committee Substitute for Senate Substitute for Senate Bill No. 813, Page 1, Section 85.011, Line 1, by inserting immediately before said section the following:

**"57.1010. As used in sections 57.1010 to 57.1016, the following terms mean:**

**(1) "Full-time", any employee who is designated as full-time by a political subdivision, or any employee who works at least thirty-five hours per week for such political subdivision.**

(2) "Policeman", any regular or permanent employee of the police department of a political subdivision, including a probationary policeman. The term "policeman" shall not include:

- (a) Any civilian employee of a police department; or
- (b) Any person temporarily employed as a policeman for an emergency;

(3) "Salary", the regular remuneration earned by a policeman or sheriff's deputy as an employee of a political subdivision, but not including employer paid fringe benefits except the value of employer paid medical benefits, including dental and vision, for employees, and not including consideration for agreeing to retire or other nonrecurring or unusual payments that are not a part of regular remuneration; the office of administration by its rules may further define salary in a manner consistent with this definition.

(4) "Sheriff's deputy", any person contemplated by the terms "deputy" or "deputy sheriff" as used in this chapter.

57.1013. 1. There is hereby established in the state treasury the "Policemen and Sheriff's Deputies Trust Fund". The moneys in the fund shall only be used for the purposes as provided in sections 57.1010 to 57.1016. The fund shall consist of moneys required by law to be credited to such fund and moneys appropriated to the fund by the general assembly.

2. Beginning in the fiscal year 2002, the general assembly shall appropriate from general revenue to the policemen and sheriff's deputies trust fund an amount necessary to fulfill the minimum salary requirements for policemen and sheriff's deputies in those political subdivisions that meet the criteria described in section 57.1016. The appropriation shall be sufficient to ensure that all qualifying political subdivisions are able to comply with the minimum salary requirements of section 57.1016. The office of administration shall determine, prior to January 1, 2001, those political subdivisions which shall be eligible to receive funds pursuant to sections 57.1010 to 57.1016 during the fiscal years 2002, 2003, and 2004. A qualifying political subdivision shall be eligible to receive funds appropriated pursuant to sections 57.1010 to 57.1016 only during the fiscal years 2002, 2003, and 2004.

57.1016. 1. Notwithstanding the provisions of sections 57.201 to 57.251, and sections 84.160 and 84.510, RSMo, beginning with the fiscal year 2002, the minimum salary for all full-time policemen and sheriff's deputies in this state shall be twenty thousand dollars.

2. Any political subdivision that, on January 1, 2001, pays any of its full-time policemen or sheriff's deputies less than twenty thousand dollars may, for the fiscal years 2002, 2003, and 2004, use moneys from the policemen and sheriff's deputies trust fund established pursuant to section 57.1013 to increase the salaries of such policemen and sheriff's deputies to a minimum of twenty thousand dollars. Any political subdivision that, prior to January 1, 2001, had paid all of its full-time policemen or sheriff's deputies a salary greater than nineteen thousand nine hundred ninety-nine dollars shall continue to do so without assistance from such fund.

3. The office of administration and the department of public safety may issue such rules as may be necessary for the enforcement of sections 57.1010 to 57.1016. No rule or portion of a rule promulgated pursuant to sections 57.1010 to 57.1016 shall become effective unless it is promulgated pursuant to chapter 536, RSMo.

4. The provisions of sections 57.1010 to 57.1016 shall terminate on July 1, 2005."; and

Further amend said title, enacting clause and intersectional references accordingly.

Representative Kissell raised a point of order that **House Amendment No. 6** goes beyond the scope of the bill.

The Chair ruled the point of order not well taken.

On motion of Representative Relford, **House Amendment No. 6** was adopted.

**HCS SS SB 813, as amended**, was laid over.

### MESSAGE FROM THE SENATE

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate refuses to recede from its position on **SCS HS HCS HB 1742, as amended**, and grants the House a conference thereon.

On motion of Representative Crump, the House recessed until 1:30 p.m.

### AFTERNOON SESSION

The hour of recess having expired, the House was called to order by Speaker Pro Tem Kreider.

The Speaker appointed the following to act as Honorary Pages for the Day, to serve without compensation: Rachel Paul, Chris Sell, Lauren Walter, Chris Zemple and Jim Shoulberg.

### HOUSE COURTESY RESOLUTIONS OFFERED AND ISSUED

House Resolution No. 1394 - Representative Riback Wilson (25), et al  
House Resolution No. 1395  
through  
House Resolution No. 1398 - Representative Kelley (47)  
House Resolution No. 1399 - Representatives Gratz and Vogel  
House Resolution No. 1400 - Representatives Ross and Hoppe

### REFERRAL OF SENATE BILLS

The following Senate Bills were referred to the Committee indicated:

**SS SCS SBs 867 & 552** - Fiscal Review (Fiscal Note)  
**HCS SS SCS SBs 678 & 742** - Fiscal Review (Fiscal Note)  
**HCS SS SB 902** - Fiscal Review (Fiscal Note)  
**HCS SB 922** - Fiscal Review (Fiscal Note)

### THIRD READING OF SENATE BILL

**HCS SS SB 813, as amended**, relating to law enforcement officers, was again taken up by Representative Kissell.

Representative Wright offered **House Amendment No. 7**.

Representative Kissell raised a point of order that **House Amendment No. 7** goes beyond the scope of the bill.

The Chair ruled the point of order well taken.



Representative Thompson offered **House Amendment No. 7**.

Representative Kissell raised a point of order that **House Amendment No. 7** is dilatory.

The Chair ruled the point of order well taken.

Representative Luetkemeyer offered **House Amendment No. 7**.

*House Amendment No. 7*

AMEND House Committee Substitute for Senate Substitute for Senate Bill No. 813, Page 4, Section 650.010, Line 33, by inserting after all of said line the following:

"Section B. Sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19 and 20 are hereby enacted, to read as follows:

**Section 1. Sections 1 to 20 of this act shall be known as the "Missouri Law Enforcement District Act".**

**Section 2. As used in sections 1 to 20 of this act, the following terms mean:**

- (1) "Approval of the required majority" or "direct voter approval", a simple majority;
- (2) "Board", the board of directors of a district;
- (3) "District", a law enforcement district organized pursuant to sections 1 to 20 of this act.

**Section 3. 1. A district may be created to fund, promote, plan, design, construct, improve, maintain and operate one or more projects relating to law enforcement or to assist in such activity.**

**2. A district is a political subdivision of the state.**

**3. A district may be created in any county of the first classification without a charter form of government and a population of fifty thousand inhabitants or less.**

**Section 4. 1. Whenever the creation of a district is desired, ten percent of the registered voters within the proposed district may file a petition requesting the creation of a district. The petition shall be filed in the circuit court of the county in which the proposed district is located.**

**2. The proposed district area shall be contiguous and may contain any portion of one or more municipalities.**

**3. The petition shall set forth:**

**(1) The name and address of each owner of real property located within the proposed district or who is a registered voter resident within the proposed district;**

**(2) A specific description of the proposed district boundaries including a map illustrating such boundaries;**

**(3) A general description of the purpose or purposes for which the district is being formed; and**

**(4) The name of the proposed district.**

**4. In the event any owner of real property within the proposed district who is named in the petition or any legal voter resident within the district shall not join in the petition or file an entry of appearance and waiver of service of process in the case, a copy of the petition shall be served upon said owner or legal voter in the manner provided by supreme court rule for the service of petitions generally. Any objections to the petition shall be raised by answer within the time provided by supreme court rule for the filing of an answer to a petition.**

**Section 5. 1. Any owner of real property within the proposed district and any legal voter who is a resident within the proposed district may join in or file a petition supporting or answer opposing the creation of the district and seeking a judgment respecting these same issues.**

**2. The court shall hear the case without a jury. If the court determines the petition is defective or the proposed district or its plan of operation is unconstitutional, it shall enter its judgment to that effect and shall refuse to incorporate the district as requested in the pleadings. If the court determines the petition is not legally defective and the proposed district and plan of operation are not unconstitutional, the court shall determine and declare the district organized and incorporated and shall approve the plan of operation stated in the petition.**

**3. Any party having filed a petition or answer to a petition may appeal the circuit court's order or judgment in the same manner as provided for other appeals. Any order either refusing to incorporate the district or incorporating the district shall be a final judgment for purposes of appeal.**

**Section 6.** The costs of filing and defending the petition and all publication and incidental costs incurred in obtaining circuit court certification of the petition for voter approval shall be paid by the petitioners. If a district is organized pursuant to sections 1 to 20 of this act, the petitioners may be reimbursed for such costs out of the revenues received by the district.

**Section 7.** A district created pursuant to sections 1 to 20 of this act shall be governed by a board of directors consisting of five members to be elected as provided in section 8 of this act.

**Section 8. 1.** Within thirty days after the order declaring the district organized has become final, the circuit clerk of the county in which the petition was filed shall give notice by causing publication to be made once a week for two consecutive weeks in a newspaper of general circulation in the county, the last publication of which shall be at least ten days before the day of the meeting required by this section, to call a meeting of the owners of real property and registered voters resident within the district at a day and hour specified in a public place in the county in which the petition was filed for the purpose of electing a board of five directors, two to serve one year, two to serve two years, and one to serve three years, to be composed of residents of the district.

**2.** The attendees, when assembled, shall organize by the election of a chairman and secretary of the meeting who shall conduct the election.

**3.** Each director shall serve for a term of three years and until such director's successor is duly elected and qualified. Successor directors shall be elected in the same manner as the initial directors at a meeting of the residents called by the board. Each successor director shall serve a three-year term. The remaining directors shall have the authority to elect an interim director to complete any unexpired term of a director caused by resignation or disqualification.

**4.** Directors shall be at least twenty-one years of age.

**Section 9. 1.** The board shall possess and exercise all of the district's legislative and executive powers.

**2.** Within thirty days after the election of the initial directors, the board shall meet. At its first meeting and after each election of new board members the board shall elect a chairman, a secretary, a treasurer and such other officers as it deems necessary from its members. A director may fill more than one office, except that a director may not fill both the office of chairman and secretary.

**3.** The board may employ such employees as it deems necessary; provided, however, that the board shall not employ any employee who is related within the third degree by blood or marriage to a member of the board.

**4.** At the first meeting, the board, by resolution, shall define the first and subsequent fiscal years of the district, and shall adopt a corporate seal.

**5.** A simple majority of the board shall constitute a quorum. If a quorum exists, a majority of those voting shall have the authority to act in the name of the board, and approve any board resolution.

**6.** Each director shall devote such time to the duties of the office as their faithful discharge may require and may be reimbursed for such director's actual expenditures in the performance of such director's duties on behalf of the district.

**Section 10.** A district may receive and use funds for the purposes of planning, designing, constructing, reconstructing, maintaining and operating one or more projects relating to law enforcement. Such funds may be derived from any funding method which is authorized by sections 1 to 20 of this act and from any other source, including but not limited to funds from federal sources, the state of Missouri or an agency of the state, a political subdivision of the state or private sources.

**Section 11. 1.** If approved by at least four-sevenths of the qualified voters voting on the question in the district, the district may impose a property tax in an amount not to exceed the annual rate of thirty cents on the hundred dollars assessed valuation. The district board may levy a property tax rate lower than its approved tax rate ceiling and may increase that lowered tax rate to a level not exceeding the tax rate ceiling without voter approval. The property tax shall be uniform throughout the district.

**2.** The ballot of submission shall be substantially in the following form:

Shall the ..... Law Enforcement District impose a property tax upon all real and tangible personal property within the district at a rate of not more than ..... (insert amount) cents per hundred dollars assessed valuation for the purpose of providing revenue for the development of a project (or projects) in the district (insert general description of the project or projects, if necessary)?

G YES

G NO

If you are in favor of the question, place an "X" in the box opposite "YES". If you are opposed to the question, place an "X" in the box opposite "NO".

3. The county collector of each county in which the district is partially or entirely located shall collect the property taxes and special benefit assessments made upon all real property and tangible personal property within that county and the district, in the same manner as other property taxes are collected.

4. Every county collector having collected or received district property taxes shall, on or before the fifteenth day of each month and after deducting his or her commissions, remit to the treasurer of that district the amount collected or received by him or her prior to the first day of the month. Upon receipt of such money, the district treasurer shall execute a receipt therefor, which he or she shall forward or deliver to the collector. The district treasurer shall deposit such sums into the district treasury, credited to the appropriate project or purpose. The collector and district treasurer shall make final settlement of the district account and commissions owing, not less than once each year, if necessary.

Section 12. 1. A district may contract and incur obligations appropriate to accomplish its purposes.

2. A district may enter into any lease or lease-purchase agreement for or with respect to any real or personal property necessary or convenient for its purposes.

3. A district may borrow money for its purposes at such rates of interest as the district may determine.

4. A district may enter into labor agreements, establish all bid conditions, decide all contract awards, pay all contractors and generally supervise the operation of the district.

Section 13. The district may contract with a federal agency, a state or its agencies and political subdivisions, a corporation, partnership or individual regarding funding, promotion, planning, designing, constructing, improving, maintaining, or operating a project or to assist in such activity; provided, however, that any contract providing for the overall management and operation of the district shall only be with a governmental entity or a not for profit corporation.

Section 14. In addition to all other powers granted by sections 1 to 20 of this act the district shall have the following general powers:

- (1) To contract with the local sheriff's department for the provision of services;
- (2) To sue and be sued in its own name, and to receive service of process, which shall be served upon the district secretary;
- (3) To fix compensation of its employees and contractors;
- (4) To purchase any personal property necessary or convenient for its activities;
- (5) To collect and disburse funds for its activities; and
- (6) To exercise such other implied powers necessary or convenient for the district to accomplish its purposes which are not inconsistent with its express powers.

Section 15. 1. The district may obtain such insurance as it deems appropriate, considering its legal limits of liability, to protect itself, its officers and its employees from any potential liability and may also obtain such other types of insurance as it deems necessary to protect against loss of its real or personal property of any kind. The cost of this insurance shall be charged against the project.

2. The district may also require contractors performing construction or maintenance work on the project and companies providing operational and management services to obtain liability insurance having the district, its directors and employees as additional named insureds.

3. The district shall not attempt to self-insure for its potential liabilities unless it finds that it has sufficient funds available to cover any anticipated judgments or settlements and still complete its project without interruption. The district may self-insure if it is unable to obtain liability insurance coverage at a rate which is economically feasible to the district, considering its resources.

Section 16. 1. The boundaries of any district organized pursuant to sections 1 to 20 of this act may be changed in the manner prescribed in this section; but any change of boundaries of the district shall not impair or affect its organization or its rights in or to property, or any of its rights or privileges whatsoever; nor shall it affect or impair or discharge any contract, obligation, lien or charge for or upon which it might be liable or chargeable had any change of boundaries not been made.

2. The boundaries may be changed as follows:

(1) Twenty-five percent of the number of voters who voted in the most recent gubernatorial election in the area to be annexed or deannexed may file with the board a petition in writing praying that such real property be included within, or removed from, the district. The petition shall describe the property to be included in, or removed from, the district and shall describe the property owned by the petitioners and shall be deemed to give assent of the petitioners to the inclusion in, or removal from, the district of the property described in the petition. Such petition shall be in substantially the form set forth for petitions in chapter 116,

RSMo; provided that, in the event that there are more than twenty-five property owners or taxpaying electors signing the petition, it shall be deemed sufficient description of their property in the petition as required in this section to list the addresses of such property; or

(2) All of the owners of any territory or tract of land near or adjacent to a district in the case of annexation, or all of the owners of any territory or tract of land within a district in the case of deannexation, who own all of the real estate in such territory or tract of land may file a petition with the board praying that such real property be included in, or removed from, the district. The petition shall describe the property owned by the petitioners and shall be deemed to give assent of the petitioners to the inclusion in, or removal from, the district of the property described in the petition.

3. The secretary of the board shall cause notice of the filing of any petition filed pursuant to this section to be given and published in the county in which the property is located, which notice shall recite the filing of such petition, the number of petitioners, a general description of the boundaries of the area proposed to be included or removed and the prayer of the petitioners; giving notice to all persons interested to appear at the office of the board at the time named in the notice and show cause in writing, if any they have, why the petition should not be granted. The board shall at the time and place mentioned, or at such time or times to which the hearing may be adjourned, proceed to hear the petition and all objections thereto presented in writing by any person showing cause why the petition should not be granted. The failure of any person interested to show cause in writing why such petition shall not be granted shall be deemed as an assent on his part to the inclusion of such lands in, or removal of such lands from, the district as prayed for in the petition.

4. If the board deems it for the best interest of the district, it shall grant the petition, but if the board determines in the case of annexation that some portion of the property mentioned in the petition cannot as a practical matter be served by the district, or if it deems in the case of annexation that it is in the best interest of the district that some portion of the property in the petition not be included in the district, or if in the case of deannexation it deems that it is impracticable for any portion of the property to be deannexed from the district, then the board shall grant the petition in part only. If the petition is granted, the board shall make an order to that effect and file the petition with the circuit clerk. Upon the order of the court having jurisdiction over the district, the property shall be included in, or removed from, the district. If the petition contains the signatures of all the owners of the property pursuant to the provisions of subdivision (2) of subsection 2 of this section, the property shall be included in, or removed from, the district upon the order of the court. If the petition contains the signatures of twenty-five percent of the number of voters who voted in the most recent gubernatorial election in the area to be annexed or deannexed pursuant to subdivision (1) of subsection 2 of this section, the property shall be included in, or removed from, the district subject to the election provided in section 17 of this act. The circuit court having jurisdiction over the district shall proceed to make any such order including such additional property within the district, or removing such property from the district, as is provided in the order of the board, unless the court shall find that such order of the board was not authorized by law or that such order of the board was not supported by competent and substantial evidence.

5. Any person aggrieved by any decision of the board made pursuant to the provisions of this section may appeal that decision to the circuit court of the county in which the property is located within thirty days of the decision by the board.

Section 17. 1. If the petition to add or remove any territory or tract of land to the district contained fewer than all of the signatures required pursuant to subdivision (2) of subsection 2 of section 16 of this act, the decree of extension or retraction of boundaries shall not become final and conclusive until it has been submitted to an election of the voters residing within the boundaries described in such decree and until it has been assented to by a majority vote of the voters in the newly included area, or the area to be removed, voting on the question. The decree shall also provide for the holding of the election to vote on the proposition of extending or retracting the boundaries of the district, and shall fix the date for holding the election.

2. The question shall be submitted in substantially the following form:

Shall the boundaries of the ..... Law Enforcement District be (extended to include/retracted to remove) the following described property? (Describe property)

GYES

G NO

3. If a majority of the voters voting on the proposition vote in favor of the extension or retraction of the boundaries of the district, then the court shall enter its further order declaring the decree of extension or retraction of the boundaries to be final and conclusive. In the event, however, that the court finds that a majority of the voters voting thereon voted against the proposition to extend or retract the boundaries of the

district, then the court shall enter its further order declaring the decree of extension or retraction of boundaries to be void and of no effect.

Section 18. 1. The authority of the district to levy any property tax levied pursuant to section 11 of this act may be terminated by a petition of the voters in the district in the manner prescribed in this section.

2. The petition for termination of authority to tax may be changed as follows:

(1) Twenty-five percent of the number of voters who voted in the most recent gubernatorial election in the district may file with the board a petition in writing praying that the district's authority to impose a property tax be terminated. The petition shall specifically state that the district's authority to impose any property tax, whether or not such a tax is being imposed at the time such petition is filed, shall be terminated. Such petition shall be in substantially the form set forth for petitions in chapter 116, RSMo; or

(2) All of the owners of real estate in the district may file a petition with the board praying that the district's authority to impose a property tax be terminated. The petition shall specifically state that the district's authority to impose any property tax, whether or not such a tax is being imposed at the time such petition is filed, shall be terminated. Such petition shall be in substantially the form set forth for petitions in chapter 116, RSMo. The petition shall describe the property owned by the petitioners and shall be deemed to give assent of the petitioners to the petition.

3. The secretary of the board shall cause notice of the filing of any petition filed pursuant to this section to be given and published in the county in which the property is located, which notice shall recite the filing of such petition, the number of petitioners and the prayer of the petitioners; giving notice to all persons interested to appear at the office of the board at the time named in the notice and show cause in writing, if any they have, why the petition should not be granted. The board shall at the time and place mentioned, or at such time or times to which the hearing may be adjourned, proceed to hear the petition and all objections thereto presented in writing by any person showing cause why the petition should not be granted.

4. If the board deems it for the best interest of the district, it shall grant the petition. If the petition is granted, the board shall make an order to that effect and file the petition with the circuit clerk. If the petition contains the signatures of all the owners of the property pursuant to the provisions of subdivision (2) of subsection 2 of this section, the authority to tax shall be terminated upon the order of the court. If the petition contains the signatures of twenty-five percent of the number of voters who voted in the most recent gubernatorial election in the district pursuant to subdivision (1) of subsection 2 of this section, the authority to tax shall be terminated subject to the election provided in section 19 of this act. The circuit court having jurisdiction over the district shall proceed to make any such order terminating such taxation authority as is provided in the order of the board, unless the court shall find that such order of the board was not authorized by law or that such order of the board was not supported by competent and substantial evidence.

5. Any person aggrieved by any decision of the board made pursuant to the provisions of this section may appeal that decision to the circuit court of the county in which the property is located within thirty days of the decision by the board.

Section 19. 1. If the petition filed pursuant to section 18 of this act contained fewer than all of the signatures required pursuant to subdivision (2) of subsection 2 of section 18 of this act, the termination of taxation authority shall not become final and conclusive until it has been submitted to an election of the voters residing within the district and until it has been assented to by at least four-sevenths of the voters in the district voting on the question. The decree shall also provide for the holding of the election to vote on the proposition, and shall fix the date for holding the election.

2. The question shall be submitted in substantially the following form:

Shall the authority of the ..... Law Enforcement District to adopt property taxes be terminated?  
G YES G NO

3. If four-sevenths of the voters voting on the proposition vote in favor of such termination, then the court shall enter its further order declaring the termination of such authority, and all such taxes that are being assessed in the current calendar year pursuant to such authority, to be final and conclusive. In the event, however, that the court finds that less than four-sevenths of the voters voting thereon voted against the proposition to terminate such authority, then the court shall enter its further order declaring the decree of termination of such district's taxing authority to be void and of no effect.

Section 20. 1. Whenever a petition signed by not less than ten percent of the registered voters in any district organized pursuant to sections 1 to 20 of this act is filed with the circuit court having jurisdiction over the district, setting forth all the relevant facts pertaining to the district, and alleging that the further operation

of the district is not in the best interests of the inhabitants of the district, and that the district should, in the interest of the public welfare and safety, be dissolved, the circuit court shall have authority, after hearing evidence submitted on such question, to order a submission of the question, after having caused publication of notice of a hearing on such petition in the same manner as the notice required in section 8 of this act, in substantially the following form:

Shall ..... (Insert the name of the law enforcement district) Law Enforcement District be dissolved?

GYES

GNO

2. If the court shall find that it is to the best interest of the inhabitants of the district that such district be dissolved, it shall make an order reciting such finding and providing for the submission of the proposition to dissolve such district to a vote of the voters of the district, setting forth such further details in its order as may be necessary to an orderly conduct of such election. Such election shall be held at the municipal election. Returns of the election shall be certified to the court. If the court finds that a majority of the voters voting thereon shall have voted in favor of the proposition to dissolve the district, the court shall make a final order dissolving the district, and the decree shall contain a proviso that the district shall continue in full force for the purpose of paying all outstanding and lawful obligations and disposing of property of the district; but no additional costs or obligations shall be created except such as are necessary to pay such costs, obligations and liabilities previously incurred, or necessary to the winding up of the district. If the court shall find that a majority of the voters of the district voting thereon shall not have voted favorably on the proposition to dissolve such district, then the court shall make a final order declaring such result dismissing the petition praying for the dissolution of said district; and the district shall continue to operate in the same manner as though the petition asking for such dissolution has not been filed.

3. The dissolution of a district shall not invalidate or affect any right accruing to such district, or to any person, or invalidate or affect any contract or indebtedness entered into or imposed upon such district or person; and whenever the circuit court shall, pursuant to this section, dissolve a district, the court shall appoint some competent person to act as trustee for the district so dissolved and such trustee before entering upon the discharge of his or her duties shall take and subscribe an oath that he or she will faithfully discharge the duties of the office, and shall give bond with sufficient security, to be approved by the court to the use of such dissolved district, for the faithful discharge of his or her duties, and shall proceed to liquidate the district under orders of the court, including the levying of any taxes provided for in sections 1 to 20 of this act.

Section C. Because immediate action is necessary to protect the public safety, section B of this act is deemed necessary for the immediate preservation of the public health, welfare, peace and safety, and is hereby declared to be an emergency act within the meaning of the constitution, and section B of this act shall be in full force and effect upon its passage and approval."; and

Further amend said title, enacting clause and intersectional references accordingly.

Representative Britt raised a point of order that **House Amendment No. 7** goes beyond the scope of the bill.

The Chair ruled the point of order not well taken.

On motion of Representative Luetkemeyer, **House Amendment No. 7** was adopted.

Representative Gibbons offered **House Amendment No. 8**.

#### *House Amendment No. 8*

AMEND House Committee Substitute for Senate Substitute for Senate Bill No. 813, Page 2, Section 85.011, Line 13, by deleting the word "hearing" and inserting in lieu thereof the word "**review**".

Representative Richardson offered **House Substitute Amendment No. 1 for House Amendment No. 8.**

*House Substitute Amendment No. 1  
for  
House Amendment No. 8*

AMEND House Committee Substitute for Senate Substitute for Senate Bill No. 813, Page 2, Section 85.011, Line 24, by adding after the period “.” the following:

**“No municipality which uses this section shall have its action reviewed under Chapter 536 RSMo or have its determinations reviewed pursuant to Chapter 536 RSMo.”.**

Representative Richardson moved that **House Substitute Amendment No. 1 for House Amendment No. 8** be adopted.

Which motion was defeated by the following vote:

AYES: 064

Akin	Alter	Ballard	Barnett	Bartelsmeyer
Bartle	Black	Blunt	Boatright	Burton
Champion	Crawford	Elliott	Enz	Evans
Foster	Froelker	Gaskill	Gibbons	Graham 106
Griesheimer	Hanaway	Hartzler 123	Hartzler 124	Hegeman
Hendrickson	Hohulin	Holand	Howerton	Kasten
Kelley 47	Kennedy	King	Legan	Linton
Lograsso	Long	Loudon	Luetkemeyer	Marble
McClelland	Miller	Myers	Naeger	Nordwald
Patek	Phillips	Pouche 30	Pryor	Purgason
Reinhart	Richardson	Ridgeway	Robirds	Ross
Sallee	Schwab	Scott	Secrest	Summers
Surface	Tudor	Vogel	Wright	

NOES: 091

Abel	Auer	Backer	Barry 100	Bennett
Berkowitz	Bonner	Boucher 48	Boykins	Bray 84
Britt	Brooks	Campbell	Chrismer	Cierpiot
Clayton	Crump	Curls	Davis 122	Davis 63
Days	Dolan	Dougherty	Farnen	Fitzwater
Foley	Ford	Fraser	Gambaro	George
Graham 24	Gratz	Green	Gross	Gunn
Hagan-Harrell	Hampton	Harlan	Hickey	Hilgemann
Hollingsworth	Hoppe	Hosmer	Kelly 27	Kissell
Koller	Kreider	Lakin	Lawson	Leake
Levin	Liese	Luetkenhaus	May 108	Mays 50
McBride	McKenna	McLuckie	Merideth	Monaco
Murray	O'Connor	O'Toole	Ostmann	Overschmidt
Parker	Ransdall	Reid	Reynolds	Riley
Rizzo	Scheve	Schilling	Seigfreid	Selby
Shelton	Shields	Skaggs	Smith	Thompson
Treadway	Troupe	Van Zandt	Wagner	Ward
Wiggins	Williams 121	Williams 159	Wilson 25	Wilson 42
Mr. Speaker				

PRESENT: 000

ABSENT WITH LEAVE: 007

Berkstresser  
Stokan

Franklin  
Townley

Klindt

Murphy

Relford

VACANCIES: 001

Representative Hosmer offered **House Substitute Amendment No. 2 for House Amendment No. 8.**

*House Substitute Amendment No. 2  
for  
House Amendment No. 8*

AMEND House Committee Substitute for Senate Substitute for Senate Bill No. 813, Page 2, Section 85.011, Lines 16-18, by deleting all of said lines and inserting in lieu thereof the following:

“[has substantially similar or greater procedures] **has adopted a personnel system with an appeals procedure providing for a hearing with a right to subpoena witnesses and evidence, either by ordinance or charter provision,** shall be deemed to be in compliance with this section. This”.

On motion of Representative Hosmer, **House Substitute Amendment No. 2 for House Amendment No. 8** was adopted.

Representative Relford offered **House Amendment No. 9.**

*House Amendment No. 9*

AMEND House Committee Substitute for Senate Substitute for Senate Bill No. 813, Page 2, Section 85.011, Line 24, by inserting the following at the end of said section:

**"221.407. 1. The commission of any regional jail district may impose, by order, a sales tax in the amount of one-eighth of one percent, one-fourth of one percent, three-eighths of one percent or one-half of one percent on all retail sales made in such region which are subject to taxation pursuant to the provisions of sections 144.010 to 144.525, RSMo, for the purpose of providing jail services and court facilities and equipment for such region. The tax authorized by this section shall be in addition to any and all other sales taxes allowed by law, except that no order imposing a sales tax pursuant to the provisions of this section shall be effective unless the commission submits to the voters of the district, at a county or state general, primary or special election, a proposal to authorize the commission to impose a tax.**

**2. The ballot of submission shall contain, but need not be limited to, the following language:**

**Shall the regional jail district of ..... (counties' names) impose a regionwide sales tax of ..... (insert amount) for the purpose of providing jail services and court facilities and equipment for the region?**

**G Yes**

**G No**

**If you are in favor of the question, place an "X" in the box opposite "Yes". If you are opposed to the question, place an "X" in the box opposite "No".**

**If a majority of the votes cast on the proposal by the qualified voters of the district voting thereon are in favor of the proposal, then the ordinance or order and any amendments to such ordinance or order shall be in effect on the first day of the second quarter immediately following the election approving the proposal. If the proposal receives less than the required majority, then the commission shall have no power to impose the sales tax authorized pursuant to this section unless and until the commission shall again have submitted another proposal to authorize the commission to impose the sales tax authorized by this section and such proposal is approved by**



the required majority of the qualified voters of the district voting on such proposal. However, in no event shall a proposal pursuant to this section be submitted to the voters sooner than twelve months from the date of the last submission of a proposal pursuant to this section.

3. All revenue received by a district from the tax authorized pursuant to the provisions of this section shall be deposited in a special trust fund and shall be used solely for providing jail services and court facilities and equipment for such district for so long as the tax shall remain in effect.

4. Once the tax authorized by this section is abolished or is terminated by any means, all funds remaining in the special trust fund shall be used solely for providing jail services and court facilities and equipment for the district. Any funds in such special trust fund which are not needed for current expenditures may be invested by the commission in accordance with applicable laws relating to the investment of other county funds.

5. All sales taxes collected by the director of revenue pursuant to this section on behalf of any district, less one percent for cost of collection which shall be deposited in the state's general revenue fund after payment of premiums for surety bonds as provided in section 32.087, RSMo, shall be deposited in a special trust fund, which is hereby created, to be known as the "Regional Jail District Sales Tax Trust Fund". The moneys in the regional jail district sales tax trust fund shall not be deemed to be state funds and shall not be commingled with any funds of the state. The director of revenue shall keep accurate records of the amount of money in the trust and which was collected in each district imposing a sales tax pursuant to this section, and the records shall be open to the inspection of officers of each member county and the public. Not later than the tenth day of each month the director of revenue shall distribute all moneys deposited in the trust fund during the preceding month to the district which levied the tax; such funds shall be deposited with the treasurer of each such district, and all expenditures of funds arising from the regional jail district sales tax trust fund shall be by an appropriation act to be enacted by the commission of each such district. Expenditures may be made from the fund for any functions authorized in the order adopted by the commission submitting the regional jail district tax to the voters.

6. The director of revenue may authorize the state treasurer to make refunds from the amounts in the trust fund and credited to any district for erroneous payments and overpayments made, and may redeem dishonored checks and drafts deposited to the credit of such districts. If any district abolishes the tax, the commission shall notify the director of revenue of the action at least ninety days prior to the effective date of the repeal and the director of revenue may order retention in the trust fund, for a period of one year, of two percent of the amount collected after receipt of such notice to cover possible refunds or overpayment of the tax and to redeem dishonored checks and drafts deposited to the credit of such accounts. After one year has elapsed after the effective date of abolition of the tax in such district, the director of revenue shall remit the balance in the account to the district and close the account of that district. The director of revenue shall notify each district in each instance of any amount refunded or any check redeemed from receipts due the district.

7. Except as modified in this section, all provisions of sections 32.085 and 32.087, RSMo, shall apply to the tax imposed pursuant to this section.

8. The provisions of this section shall expire August 28, 2015.”; and

Further amend said title, enacting clause and intersectional references accordingly.

Representative Monaco raised a point of order that **House Amendment No. 9** goes beyond the scope of the bill.

The Chair ruled the point of order not well taken.

Representative Gratz offered **House Amendment No. 1 to House Amendment No. 9.**

*House Amendment No. 1  
to  
House Amendment No. 9*

AMEND House Amendment No. 9 to House Committee Substitute for Senate Substitute for Senate Bill No. 813, by adding at the end of said amendment, the following:

Amend House Committee Substitute for Senate Substitute for Senate Bill No. 813, Page 4, Section 650.010, Line 33, by adding after said line:

**“Section 1. In no event shall any public funds from any source, including tax assessments, general revenues, etc., be used to pay a private company to manage, staff, or otherwise control the operations, maintenance, etc. of any jail or prison, except in the case of a private facility that is in operation on or before August 28, 2000.”; and**

Further amend the title, enacting clause and intersectional references accordingly.

Representative Gratz moved that **House Amendment No. 1 to House Amendment No. 9** be adopted.

Which motion was defeated.

On motion of Representative Relford, **House Amendment No. 9** was adopted.

Representative Pryor offered **House Amendment No. 10**.

Representative Monaco raised a point of order that **House Amendment No. 10** is not germane and goes beyond the scope of the bill.

The Chair ruled the point of order well taken.

Representative Britt offered **House Amendment No. 10**.

*House Amendment No. 10*

AMEND House Committee Substitute for Senate Substitute for Senate Bill No. 813, Page 1, Section 85.011, Line 1, by inserting immediately before said line the following:

“50.550. 1. The annual budget shall present a complete financial plan for the ensuing budget year. It shall set forth all proposed expenditures for the administration, operation and maintenance of all offices, departments, commissions, courts and institutions; the actual or estimated operating deficits or surpluses from prior years; all interest and debt redemption charges during the year and expenditures for capital projects.

2. The budget shall contain adequate provisions for the expenditures necessary for the care of insane pauper patients in state hospitals, for the cost of holding elections and for the costs of holding circuit court in the county that are chargeable against the county, for the repair and upkeep of bridges other than on state highways and not in any special road district, and for the salaries, office expenses and deputy and clerical hire of all county officers and agencies.

3. In addition, the budget shall set forth in detail the anticipated income and other means of financing the proposed expenditures.

4. All receipts of the county for operation and maintenance shall be credited to the general fund, and all expenditures for these purposes shall be charged to this fund; except, that receipts from the special tax levy for roads and bridges shall be kept in a special fund and expenditures for roads and bridges may be charged to the special fund.

5. All receipts from the sale of bonds for any purpose shall be credited to the bond fund created for the purpose, and all expenditures for this purpose shall be charged to the fund. All receipts for the retirement of any bond issue shall be credited to a retirement fund for the issue, and all payments to retire the issue shall be charged to the fund. All receipts for interest on outstanding bonds and all premiums and accrued interest on bonds sold shall be credited to the interest fund, and all payments of interest on the bonds shall be charged to the interest fund.

**6. Subject to the provisions of Section 50.555 the county commission may create a fund to be known as “The County Crime Reduction Fund”.**

7. [6.]The county commission may create other funds as are necessary from time to time.

**50.555. 1. A county commission may establish by resolution a fund whose proceeds may be expended only for the purposes provided for in subsection 3 of this section. The fund shall be designated as a county crime reduction fund and shall be under the supervision of a board of trustees consisting of one citizen of the county appointed by the presiding commissioner of the county, one citizen of the county appointed by the sheriff of the county, and one citizen of the county appointed by the county prosecuting attorney.**

**2. Money from the county crime reduction fund shall only be expended upon the approval of a majority of the members of the county crime reduction fund's board of trustees and only for the purposes provided for by subsection 3 of this section.**

**3. Money from the county crime reduction fund shall only be expended for the following purposes:**

- (1) narcotics investigation, prevention and intervention;**
- (2) payment of rewards through the sheriff's employees;**
- (3) purchase of law enforcement related equipment and supplies for the sheriff's office;**
- (4) matching funds for federal or state law enforcement grants;**
- (5) funding for the reporting of all state and federal crime statistics or information; and**
- (6) any law enforcement related expense, including those of the prosecuting attorney, approved by the board of trustees for the county crime fund that is reasonably related to investigation, preparation, trial and disposition of criminal cases before the courts of the State of Missouri.**

**4. The county commission may not reduce any law enforcement agency's budget as a result of funds the law enforcement agency receives from the county crime reduction fund. The crime reduction fund is to be used only as a supplement to the law enforcement agency's funding received from other county, state or federal funds.**

**5. County crime reduction funds shall be audited as are all other county funds.**

558.019. 1. This section shall not be construed to affect the powers of the governor under article IV, section 7, of the Missouri Constitution. This statute shall not affect those provisions of section 565.020, RSMo, section 558.018 or section 571.015, RSMo, which set minimum terms of sentences, or the provisions of subsections 2 through 5 of section 559.115, RSMo, relating to probation.

2. The provisions of this section shall be applicable to all classes of felonies except those set forth in chapter 195, RSMo, and those otherwise excluded in subsection 1 of this section. For the purposes of this section, "prison commitment" means and is the receipt by the department of corrections of a defendant after sentencing. For purposes of this section, prior prison commitments to the department of corrections shall not include commitment to a regimented discipline program established pursuant to section 217.378, RSMo. Other provisions of the law to the contrary notwithstanding, any defendant who has pleaded guilty to or has been found guilty of a felony other than a dangerous felony as defined in section 556.061, RSMo, and is committed to the department of corrections shall be required to serve the following minimum prison terms:

(1) If the defendant has one previous prison commitment to the department of corrections for a felony offense, the minimum prison term which the defendant must serve shall be forty percent of his sentence or until the defendant attains seventy years of age, and has served at least forty percent of the sentence imposed, whichever occurs first;

(2) If the defendant has two previous prison commitments to the department of corrections for felonies unrelated to the present offense, the minimum prison term which the defendant must serve shall be fifty percent of his sentence or until the defendant attains seventy years of age, and has served at least forty percent of the sentence imposed, whichever occurs first;

(3) If the defendant has three or more previous prison commitments to the department of corrections for felonies unrelated to the present offense, the minimum prison term which the defendant must serve shall be eighty percent of his sentence or until the defendant attains seventy years of age, and has served at least forty percent of the sentence imposed, whichever occurs first.

3. Other provisions of the law to the contrary notwithstanding, any defendant who has pleaded guilty to or has been found guilty of a dangerous felony as defined in section 556.061, RSMo, and is committed to the department of corrections shall be required to serve a minimum prison term of eighty-five percent of the sentence imposed by the court or until the defendant attains seventy years of age, and has served at least forty percent of the sentence imposed, whichever occurs first. For purposes of this section, the phrase "sentence imposed by the court" means the total aggregate sentence actually imposed by the sentencing court.

4. For the purpose of determining the minimum prison term to be served, the following calculations shall apply:

(1) A sentence of life shall be calculated to be thirty years;

(2) Any sentence either alone or in the aggregate with other consecutive sentences for crimes committed at or

near the same time which is over seventy-five years shall be calculated to be seventy-five years.

5. For purposes of this section, the term "minimum prison term" shall mean time required to be served by the defendant before he is eligible for parole, conditional release or other early release by the department of corrections. Except that the board of probation and parole, in the case of consecutive sentences imposed at the same time pursuant to a course of conduct constituting a common scheme or plan, shall be authorized to convert consecutive sentences to concurrent sentences, when the board finds, after hearing with notice to the prosecuting or circuit attorney, that the sum of the terms results in an-unreasonably excessive total term, taking into consideration all factors related to the crime or crimes committed and the sentences received by others similarly situated.

6. (1) A sentencing advisory commission is hereby created to consist of eleven members. One member shall be appointed by the speaker of the house. One member shall be appointed by the president pro tem of the senate. One member shall be the director of the department of corrections. Six members shall be appointed by and serve at the pleasure of the governor from among the following: the public defender commission; private citizens; a private member of the Missouri Bar; the board of probation and parole; and a prosecutor. Two members shall be appointed by the supreme court, one from a metropolitan area and one from a rural area. All members of the sentencing commission appointed prior to August 28, 1994, shall continue to serve on the sentencing advisory commission at the pleasure of the governor.

(2) The commission shall study sentencing practices in the circuit courts throughout the state for the purpose of determining whether and to what extent disparities exist among the various circuit courts with respect to the length of sentences imposed and the use of probation for defendants convicted of the same or similar crimes and with similar criminal histories. The commission shall also study and examine whether and to what extent sentencing disparity among economic and social classes exists in relation to the sentence of death and if so, the reasons therefor. It shall compile statistics, examine cases, draw conclusions, and perform other duties relevant to the research and investigation of disparities in death penalty sentencing among economic and social classes.

(3) The commission shall establish a system of recommended sentences, within the statutory minimum and maximum sentences provided by law for each felony committed under the laws of this state. This system of recommended sentences shall be distributed to all sentencing courts within the state of Missouri. The recommended sentence for each crime shall take into account, but not be limited to, the following factors:

- (a) The nature and severity of each offense;
- (b) The record of prior offenses by the offender;
- (c) The data gathered by the commission showing the duration and nature of sentences imposed for each crime;

and

(d) The resources of the department of corrections and other authorities to carry out the punishments that are imposed.

(4) The commission shall publish and distribute its system of recommended sentences on or before July 1, 1995. The commission shall study the implementation and use of the system of recommended sentences until July 1, 1998, and return a final report to the governor, the speaker of the house of representatives, and the president pro tem of the senate. Following the July 1, 1998, report, the commission may revise the recommended sentences every three years.

(5) The governor shall select a chairperson who shall call meetings of the commission as required or permitted pursuant to the purpose of the sentencing commission.

(6) The members of the commission shall not receive compensation for their duties on the commission, but shall be reimbursed for actual and necessary expenses incurred in the performance of these duties and for which they are not reimbursed by reason of their other paid positions.

(7) The circuit and associate circuit courts of this state, the office of the state courts administrator, the department of public safety, and the department of corrections shall cooperate with the commission by providing information or access to information needed by the commission. The office of the state courts administrator will provide needed staffing resources.

7. If the imposition or execution of a sentence is suspended, the court may consider ordering restorative justice methods pursuant to section 217.777, RSMo, including any or all of the following, or any other method that the court finds just or appropriate:

- (1) Restitution to any victim for costs incurred as a result of the offender's actions;
- (2) Offender treatment programs;
- (3) Mandatory community services;
- (4) Work release programs in local facilities; and

(5) Community based residential and nonresidential programs; and

**8. If the imposition or execution of a sentence is suspended for a misdemeanor, in addition to the provisions of subsection 7 of this section, the court may order the assessment and payment of a designated amount of money to a county crime reduction fund established by the county commission pursuant to §50.555, RSMo. Said contribution shall not exceed \$1,000 for any misdemeanor offense. Any money deposited into the county crime reduction fund pursuant to this section shall only be expended pursuant to the provisions of section 50.555 RSMo. An annual audit of the fund shall be conducted by the county auditor or the state auditor.**

9.[8.] The provisions of this section shall apply only to offenses occurring on or after August 28, 1994.

559.021.1. The conditions of probation shall be such as the court in its discretion deems reasonably necessary to ensure that the defendant will not again violate the law. When a defendant is placed on probation he shall be given a certificate explicitly stating the conditions on which he is being released.

2. In addition to such other authority as exists to order conditions of probation, the court may order such conditions as the court believes will serve to compensate the victim, any dependent of the victim, or society. Such conditions may include, but shall not be limited to:

(1) Restitution to the victim or any dependent of the victim, in an amount to be determined by the judge; and  
(2) The performance of a designated amount of free work for a public or charitable purpose, or purposes, as determined by the judge.

**3. In addition to such other authority as exists to order conditions of probation, in the case of a plea of guilty in a misdemeanor case or finding of guilt in a misdemeanor case, the court may order the assessment and payment of a designated amount of money to a county crime reduction fund established by the county commission pursuant to §50.555, RSMo. Said contribution shall not exceed \$1,000 for any misdemeanor offense. Any money deposited into the county crime reduction fund pursuant to this section shall only be expended pursuant to the provisions of section 50.555 RSMo.**

[3] 4. The defendant may refuse probation conditioned on the performance of free work. If he does so, the court shall decide the extent or duration of sentence or other disposition to be imposed and render judgment accordingly. Any county, city, person, organization, or agency, or employee of a county, city, organization or agency charged with the supervision of such free work or who benefits from its performance shall be immune from any suit by the defendant or any person deriving a cause of action from him if such cause of action arises from such supervision of performance, except for an intentional tort or gross negligence. The services performed by the defendant shall not be deemed employment within the meaning of the provisions of chapter 288, RSMo. A defendant performing services pursuant to this section shall not be deemed an employee within the meaning of the provisions of chapter 287, RSMo.

[4] 5. The court may modify or enlarge the conditions of probation at any time prior to the expiration or termination of the probation term.

**6. The defendant may refuse probation conditioned on a payment to a county crime reduction fund. If he does so, the court shall decide the extent or duration of sentence or other disposition to be imposed and render judgment accordingly. A judge may order payment to a crime reduction fund only if such fund had been created prior to sentencing by ordinance or resolution of a county of the state of Missouri. A judge shall not have any direct supervisory authority or administrative control over any fund to which the judge is ordering the probationers to make payments. A defendant who fails to make a payment or payments to a crime reduction fund may not have his probation revoked solely for failing to make such payment unless the judge, after evidentiary hearing, makes a finding supported by a preponderance of the evidence that the defendant either willfully refused to make the payment or that the defendant willfully, intentionally and purposefully failed to make sufficient bona fide efforts to acquire the resources to pay.”.**

Representative Ridgeway offered **House Amendment No. 1 to House Amendment No. 10.**

*House Amendment No. 1  
to  
House Amendment No. 10*

AMEND House Amendment No. 10 to House Committee Substitute for Senate Substitute for Senate Bill No. 813, Page 2, Section 50.555, Line 11, by deleting said lines.

On motion of Representative Ridgeway, **House Amendment No. 1 to House Amendment No. 10** was adopted.

On motion of Representative Britt, **House Amendment No. 10, as amended**, was adopted.

Representative Hosmer offered **House Amendment No. 11**.

*House Amendment No. 11*

AMEND House Committee Substitute for Senate Substitute for Senate Bill No. 813, Pages 2 to 3, Section 590.135, by deleting all of said section and inserting in lieu thereof the following:

"590.100. As used in sections 590.100 to 590.180, the following terms mean:

(1) **"Bailiff", an assigned officer of the court subject to control and supervision and responsible for preserving order and decorum, taking charge of the jury, guarding prisoners and other services which are reasonably necessary for the proper functioning of the court;**

(2) "Certified training academy", any academy located within the state of Missouri which has been certified by the director to provide training programs for peace officers [in this state] **or bailiffs;**

[(2)] (3) "Chief executive officer", the chief of police, director of public safety, sheriff, department head or chief administrator of any law enforcement or public safety agency of the state or any political subdivision [thereof who is responsible for the prevention and detection of crime and the enforcement of the general criminal laws of the state or for violation of ordinances of a county or municipality] **of the state;**

[(3)] (4) **"Commission", when used in relation to a peace officer, bailiff, or law enforcement agency: grant of authority to act as a peace officer or bailiff by appointment, employment, or any other means;**

(5) "Director", the director of the Missouri department of public safety;

[(4)] (6) "Peace officer", [members of the state highway patrol, all] **any** state, county[, and] **or** municipal law enforcement [officers] **officer** possessing the duty and power of arrest for violation of [any criminal laws of the state] **the criminal code** or for violation of ordinances of counties or municipalities of the state [who serve full time, with pay];

[(5)] (7) **"Primary enforcement activities", activities used to enforce the police powers of the state, including, but not limited to, a direct or indirect involvement in the activities of arrest, detention, vehicular pursuit, search or interrogations;**

(8) "Reserve **peace** officer", [any person who serves in a less than full-time law enforcement capacity, with or without pay, and who, without certification, has no power of arrest and who, without certification, must be under the direct and immediate accompaniment of a certified peace officer of the same agency at all times while on duty. In a county of the first class adjoining a city not within a county, reserve peace officers may engage in all nonprimary enforcement activities without being under direct or immediate accompaniment of a certified peace officer] **a peace officer regularly working less than thirty hours per week, with or without pay.**

[590.101. In any county of the first classification with a charter form of government with a population of nine hundred thousand or more inhabitants, the definitions contained in section 590.100 shall apply, except that as used in sections 590.100 to 590.180, the following terms shall mean:

(1) "Bailiff", an assigned officer of the court subject to control and supervision and responsible for preserving order and decorum, taking charge of the jury, guarding prisoners, and other services which are reasonably necessary for the proper functioning of the court;

(2) "Nonprimary enforcement activities", activities which include, but are not limited to, traffic control, crowd control, checking abandoned, vacated and temporarily vacated structures, conveyance of motor vehicles, public appearances, and public educational presentations;

(3) "Primary enforcement activities", activities used to enforce the police powers of the state, including, but not limited to, a direct or indirect involvement in the activities of arrest, detention, vehicular pursuit, search, interrogations or the administration of first aid; and

(4) "Reserve officer", any person who serves in a less than full-time law enforcement capacity, with or without pay, and who, without certification, has no power of arrest and who, without certification, must be under direct and immediate accompaniment of a certified peace officer of the same agency in order to engage in primary enforcement

activities.]

590.105. 1. A program of mandatory standards for the basic training and certification of peace officers [and a program of optional standards for the basic training and certification of reserve officers] in this state is hereby established. The peace officer standards and training commission shall establish the minimum number of hours [of training and], core curriculum, **and behavioral objectives for such basic training and may establish minimum physical fitness standards for successful completion of basic training.** In no event, however, shall the commission require more than one thousand hours of such training for [either] peace [or reserve] officers [employed] **commissioned** by any state law enforcement agency, or more than six hundred hours of such training for other peace [or reserve] officers; provided, however, that the minimum hours of training **for a peace officer** shall be no lower than **four hundred seventy, with the following exceptions:**

- (1) [One hundred twenty hours as of August 28, 1993;
- (2) Three hundred hours as of August 28, 1994; and
- (3) Four hundred seventy hours as of August 28, 1996.

The higher standards provided in this section for certification after August 28, 1993, shall not apply to any peace or reserve officer certified prior to August 28, 1993, or to deputies of any sheriff's department in any city not within a county requiring no more or less than one hundred twenty hours of training. Certified peace and reserve officers between January 1, 1992, and August 28, 1995, shall only meet the hours of training applicable to the year in which the officer was employed or appointed.] **Persons certified as peace officers before August 28, 1993, may retain certification with one hundred twenty hours of basic training;**

**(2) Persons certified as peace officers before August 28, 1994, may retain certification with three hundred hours of basic training;**

**(3) Persons certified as peace officers and commissioned in a county of the third classification before July 1, 2001, may retain certification with one hundred twenty hours of certification, but only if the commissioning political subdivision adopts an order or ordinance to that effect;**

**(4) The peace officer standards and training commission may establish a lesser basic training standard for a limited certification for commission as a reserve peace officer with police powers restricted to the commissioning political subdivision and may place additional restrictions on the powers and duties for which such persons are certified to be commissioned.**

2. Beginning on August 28, 1996, peace officers shall be required to [complete the four hundred fifty hours of training as peace officers and] be certified to be eligible for employment. [Park rangers appointed pursuant to section 64.335, RSMo, who do not carry firearms shall be exempt from the training requirements of this section.]

3. Bailiffs who are not certified peace officers shall be required to complete a minimum of sixty hours of mandated training, except that any person who has [served] **been commissioned** as a bailiff prior to January 1, 1995, **or who has been commissioned as a peace officer at any time,** shall not be required to complete the training requirements mandated by this subsection, provided such person's training or experience is deemed adequate by the peace officer standards and training commission in accordance with current standards.

4. All political subdivisions within this state may adopt standards which are higher than the minimum standards implemented pursuant to sections 590.100 to 590.180, and such minimum standards shall in no way be deemed adequate in those cases in which higher standards have been adopted.

5. [Any federal officer who has the duty and power of arrest on any federal military installation in this state may, at the option of the federal military installation in which the officer is employed, participate in the training program required under the provisions of sections 590.100 to 590.180 and, upon satisfactory completion of such training program, shall be certified by the director in the same manner provided for peace officers, as defined in section 590.100, except that the duty and power of arrest of military officers for violation of the general criminal laws of the state or for violation of ordinances of counties or municipalities of the state shall extend only to the geographical boundaries within which the federal military installation is located. Any costs involved in the training of a federal officer shall be borne by the participating federal military installation.

6. Notwithstanding any provision of this chapter to the contrary, any peace officer who is employed by a law enforcement agency located within a county of the third classification shall be required to have no more or less than one hundred twenty hours of training for certification if the respective city or county adopts an order or ordinance to that effect.

7.] The peace officers standards and training commission with input from the department of health and the division of family services shall [provide a minimum of thirty hours of initial education to all prospective law

enforcement officers] **include within the required basic training for peace officers**, except for agents of the conservation commission, **a minimum of thirty hours of education** concerning domestic and family violence.

[8.] **6.** The course of instruction and the objectives in learning and performance for the education of law enforcement officers required pursuant to subsection [6] **5** of this section shall be developed and presented in consultation with public and private providers of programs for victims of domestic and family violence, persons who have demonstrated expertise in training and education concerning domestic and family violence, and the Missouri coalition against domestic violence. The peace officers standards and training commission shall consider the expertise and grant money of the national council of juvenile and family court judges, with their domestic and family violence project, as well as other federal funds and grant moneys available for training.

[9.] **7.** The course of instruction shall include, but is not limited to:

(1) The investigation and management of cases involving domestic and family violence and writing of reports in such cases, including:

- (a) Physical abuse;
- (b) Sexual abuse;
- (c) Child fatalities;
- (d) Child neglect;
- (e) Interviewing children and alleged perpetrators;

(2) The nature, extent and causes of domestic and family violence;

(3) The safety of officers investigating incidents of domestic and family violence;

(4) The safety of the victims of domestic and family violence and other family and household members;

(5) The legal rights and remedies available to victims of domestic and family violence, including but not limited to rights and compensation of victims of crime, and enforcement of civil and criminal remedies;

(6) The services available to victims of domestic and family violence and their children;

(7) Sensitivity to cultural, racial and sexual issues and the effect of cultural, racial, and gender bias on the response of law enforcement officers and the enforcement of laws relating to domestic and family violence; and

(8) The provisions of applicable state statutes concerning domestic and family violence.

**8. The peace officer standards and training commission may provide by rule for the reciprocal recognition of equivalent entry level core basic training at a training center by law enforcement officers of the federal government or other states or territories of the United States, and may require such additional training prior to certification as the commission deems necessary.**

590.110. 1. No person shall be [appointed] **commissioned or hold a commission** as a peace officer [by any public law enforcement agency, which is possessed of the duty and power to enforce the general criminal laws of the state or the ordinances of any political subdivision of] **or bailiff in** this state, unless he **or she** has **first** been certified by the director as [provided in] **qualified pursuant to the program of minimum standards established pursuant to** sections 590.100 to 590.180, [unless he is appointed on a probationary basis, and the hiring agency, within one year after his initial appointment, takes all necessary steps to qualify him for certification by the director. Unless a peace officer is certified within the one-year period after appointment, his appointment shall be terminated and he shall not be eligible for appointment by any other law enforcement agency as a peace officer. Beginning on August 28, 1995, peace officers shall be required to complete the four hundred fifty hours of training as peace officers and be certified to be eligible for employment.] **with the following exceptions:**

(1) **No certification shall be required to seek or hold an elected county office;**

(2) **No certification shall be required to be commissioned pursuant to section 64.335, RSMo, as a park ranger not carrying a firearm;**

(3) **Certification shall not be required for any person continually commissioned as a peace officer since the effective date of this section by a political subdivision having either less than four full-time paid peace officers or a population less than two thousand, except that this exception shall not apply to any person commissioned in a county of the first class having a charter form of government;**

(4) **Certification is recommended but shall not be required for any person commissioned as a peace officer before December 31, 1978, and consistently commissioned as a full-time peace officer since that date;**

(5) **Certification is recommended but shall not be required for any reserve peace officer commissioned as a reserve peace officer before August 15, 1988, and such persons may transfer, as reserve peace officers, among similar jurisdictions without losing the benefit of this exception; provided, however, that the peace officer standards and training commission may establish training and certification requirements for such persons and may limit the powers and duties for which such persons may be commissioned;**



**(6) No certification shall be required to serve in a law enforcement capacity without the power of arrest.**

2. The chief executive officer of each law enforcement agency shall notify the director of the appointment of any peace [or reserve] officer not later than thirty days after the date of the appointment and include with such notification a copy of a fingerprint card verified by the Missouri state highway patrol pertaining to the results of a criminal background check of the officer appointed and evidence of the completion of the standards necessary for employment as provided in sections 590.100 to 590.180.

3. [Training and certification requirements specified in sections 590.100 to 590.180 are recommended but not required of a reserve officer; however, any person who serves as a reserve officer in any public law enforcement agency which is possessed of the duty and power to enforce the general criminal laws of this state or the ordinances of any political subdivision of this state may, at the option of the political subdivision in which the reserve officer is appointed, participate in the basic training program required under the provisions of sections 590.100 to 590.180, and, upon completion of such training program, shall be certified by the director in the same manner as provided for peace officers.] **Any applicant to a certified training academy shall submit a fingerprint card to the training center, along with an authorization allowing the director to conduct a criminal history background check to include the records of the Federal Bureau of Investigation. The certified training academy shall forward the fingerprint card and authorization to the director, who shall conduct a criminal history background. The certified training academy and the director may charge the applicant a fee for the cost of the criminal history check. The director may refuse to allow an applicant to complete a certified training course for conduct in violation of section 590.135.**

**4. In addition to the satisfactory completion of a basic training course at a certified training academy, the director may require all persons applying for peace officer certification to pass a certification examination. The peace officer standards and training commission may promulgate rules to govern the content and administration of any such examination.**

**5. The director shall have the authority to issue certification to peace officers, federal law enforcement officers, or military police officers from other states or jurisdictions who are seeking certification as peace officers in this state pursuant to the rules promulgated by the peace officer standards and training commission.**

[590.115. 1. Training and certification requirements specified in sections 590.100 to 590.180 are recommended but not required of a peace officer who has been consistently employed as a full-time peace officer and was appointed before December 31, 1978, whether or not such officer changes his place of employment.

2. Training and certification requirements specified in sections 590.100 to 590.180 are recommended but not required of a reserve officer who was appointed as a reserve officer prior to August 15, 1988. Requirements for certification of such reserve officers may be determined by the commission. A certified reserve officer may transfer from one similar jurisdiction to another as a certified reserve officer without any additional training requirements unless or until the certified reserve officer becomes or attempts to become a full-time peace officer, at which time the individual must satisfy the requirements of this chapter to become a certified full-time police officer, or unless or until the certified reserve officer attempts to become a certified reserve officer in a jurisdiction wherein the basic training requirement is higher than the previous jurisdiction's basic training requirement, at which time the individual must satisfy the higher basic training requirements of the new jurisdiction to become a certified reserve officer.

3. Except as provided in subsections 1, 2 and 4 of this section, in the event that a peace officer claims to have had prior basic training, the chief executive officer shall furnish to the director evidence that the noncertified officer has satisfactorily completed instruction in a course of basic training for peace officers conducted by a law enforcement training academy or institute which is approved by the director as providing basic training equivalent to standards set for jurisdictions within this state. The basic training course satisfactorily completed by the noncertified officer shall meet the minimum basic training requirements of the jurisdiction in which he is appointed or is to be appointed as required under the provisions of sections 590.100 to 590.180.

4. The director may certify a chief executive officer as qualified under sections 590.100 to 590.180, if the person's employer furnishes the director with evidence that the chief executive officer has training or experience equivalent to the standards set forth in subsection 1, 2, or 3 of this section or is a graduate of the FBI National Academy or its equivalent as determined by the director, or holds a bachelor of science degree in criminal justice or a related field received from an accredited college or university or a doctor of jurisprudence degree received from a college or university approved by the American Bar Association.

5. Peace officers and reserve officers meeting the basic training requirements under sections 590.100 to 590.180 shall be eligible to be certified by the director.

6. Beginning August 28, 1996, the peace officer standards and training commission shall establish a program

of continuing law enforcement education and training. Each peace officer or reserve officer subject to the training provisions of sections 590.100 to 590.180 shall participate in continuing law enforcement education to maintain certification. The providers of continuing law enforcement education and training, as well as the contents and subject matter thereof, shall be subject to the approval of the peace officer standards and training commission. The costs of the continuing law enforcement education and training offered by certified providers to persons entitled to receive such education and training shall be reimbursed by moneys from the peace officer standards and training commission fund created in section 590.178. The peace officer standards and training commission shall require by rule that all peace officers or reserve officers, subject to the training provisions herein, contribute, based on standards set by the commission, to the cost of said training.

7. The peace officer standards and training commission may provide by rule for the reciprocal recognition of equivalent entry level core basic training at a training center by law enforcement officers of the federal government or other states or territories of the United States, and may require such additional training prior to certification as the commission deems necessary.]

[590.116. 1. Within one year from the date of probationary appointment, the chief executive officer of a law enforcement agency shall furnish to the director evidence that the noncertified officer satisfactorily completed instruction in a course of training for peace officers in a certified training academy or is currently enrolled in a certified training program to be completed with the first year of employment.

2. This section shall expire on August 28, 1995.]

**590.117. 1. The peace officer standards and training commission shall establish a program of continuing law enforcement education and training. Each certified peace officer shall participate in continuing law enforcement education to maintain certification. The providers of continuing law enforcement education and training, as well as the contents and subject matter thereof, shall be subject to the approval of the peace officer standards and training commission. The costs of the continuing law enforcement education and training offered by certified providers to persons entitled to receive such education and training shall be reimbursed by moneys from the peace officer standards and training commission fund created in section 590.178.**

2. The department shall provide by administrative rule for the requirements for continuing certification of an inactive or unemployed peace officer during the term of such inactivity or unemployment, provided that the certification of such peace officers shall expire after five consecutive years of such inactivity or unemployment. **Notwithstanding subsection 1 of this section,** the cost of any continuing law enforcement education and training required to maintain such certification shall be paid by the inactive or unemployed peace officer.

590.130. [No] **1. Notwithstanding the provisions of subsection 2 of section 590.105 and subsection 1 of section 590.110 to the contrary,** the elected county peace officer or official shall be required, **within one year after taking office,** to be certified [under] **pursuant to** sections 590.100 to 590.180 to [seek or] hold such office, [but] **and must upon completion, file evidence with the director of the department of public safety and** all appointive deputies or assistants of such officer or official who are employed as peace officers[, provided that such county has five or more full-time peace officers,] shall be certified as a condition of appointment in the same manner as other peace officers are required to be certified. No arrest shall be deemed unlawful in any criminal or civil proceeding solely because the peace officer is not certified [under the terms of] **pursuant to** sections 590.100 to 590.180. Evidence on the question cannot be received in any civil or criminal case.

**2. Beginning January 1, 2001, any elected county peace officer or official who does not comply with the provisions of subsection 1 of this section may continue to hold such office but is not authorized to participate in any primary enforcement activities as defined in section 590.100. The provisions of section 57.010, RSMo, and this section shall not apply to the sheriff of any county of the first classification with a charter form of government and a population of at least nine hundred thousand inhabitants.**

590.131. **1. The chief executive officer of each law enforcement agency that commissions any peace officer shall notify the director [of a peace officer's separation from the agency, whether voluntary or involuntary, and shall set forth in detail the facts and reasons for the separation on a form to be provided by the director.] on a form adopted by the director, if a holder of any certificate issued pursuant to this chapter departs from employment or otherwise ceases to be commissioned by that agency. The departure form shall be submitted within thirty days following the departure or loss of commission.**

**2. Any person or agency authorized to submit information pursuant to this section to the director shall be immune from liability arising from the submission of the information so long as the information was submitted in good faith and without negligence or malice.**

**3. The notice shall so state if the circumstances surrounding the departure from employment or loss of**

commission included any of the following:

- (1) The officer was separated for his or her failure to meet the minimum qualifications for employment or appointment as a peace officer;
- (2) The officer was dismissed for violation of municipal, state or federal law;
- (3) The officer was dismissed for violation of the written and distributed regulations of the law enforcement agency.

4. All educational transcripts, test scores, complaints, investigatory reports, and other information retained by the department of public safety pertaining to any person who is certified pursuant to sections 590.100 to 590.180, or to an applicant for such certification are confidential and may not be disclosed to the public or any member of the public, except with written consent of the person whose records are involved. The director shall disclose the records or information if the person whose records or information is involved has consented to the disclosure. The director is entitled to the attorney-client privilege and work-product privilege to the same extent as any other person. Provided, however, that the director may disclose confidential information without the consent of the person involved in the course of voluntary interstate exchange of information, or in the course of any litigation concerning that person, or pursuant to a lawful request, or to other administrative or law enforcement agencies acting within the scope of their statutory authority. The name, currency of certification, and commissioning agency, if any, of persons certified pursuant to sections 590.100 to 590.180 and the name of applicants for such certification are not confidential information.

590.135. 1. The director or any of [his] **the director's** designated representatives may:

- (1) Visit and inspect any certified academy or training program requesting certification for the purpose of determining whether or not the minimum standards established pursuant to sections 590.100 to 590.180 are being complied with, and may issue, suspend or revoke certificates indicating such compliance;
- (2) Issue, suspend or revoke certificates for instructors [under] **pursuant to** the provisions of sections 590.100 to 590.180;
- (3) Issue or authorize the issuance of diplomas, certificates and other appropriate indicia of compliance and qualification to peace officers trained [under] **pursuant to** the provisions of sections 590.100 to 590.180.

2. The director may **singly, or in combination, warn, censure, probate,** refuse to issue, [or may] suspend or revoke [any diploma, certificate or other indicia of compliance and qualification to peace officers or bailiffs issued pursuant to subdivision (3) of subsection 1 of this section of any peace officer for the following:

- (1) Conviction of a felony including the receiving of a suspended imposition of a sentence following a plea or finding of guilty to a felony charge;
- (2) Conviction of a misdemeanor involving moral turpitude;
- (3) Falsification or a willful misrepresentation of information in an employment application, or records of evidence, or in testimony under oath;
- (4) Dependence on or abuse of alcohol or drugs;
- (5) Use or possession of, or trafficking in, any illegal substance;
- (6) Gross misconduct indicating inability to function as a peace officer, **which shall include any illegal, unauthorized or unprofessional use or release of criminal history information, criminal intelligence, confidential reports or closed records;**

(7) Failure to comply with the continuing education requirements as promulgated by rule of the peace officer standards and training commission.] **the certification of any peace officer or bailiff or refuse to admit an initial applicant to a certified training academy for any of the following reasons:**

- (1) **The person has been finally adjudicated and found guilty or has entered a plea of guilty or nolo contendere in a criminal prosecution, whether or not a sentence has been imposed, for any offense:**
    - (a) Reasonably related to the functions or duties for which that person is certified or seeking to be trained;
    - (b) An essential element of which is fraud, dishonesty, an act of violence, intimidation, or harassment;
- or

- (c) Involving moral turpitude;
- (2) Falsification, fraud, deception, misrepresentation or bribery:
  - (a) In securing any certificates, diplomas, other indicia of compliance and qualification pursuant to the provisions of sections 590.100 to 590.180;
  - (b) On any employment application;
  - (c) In records of evidence; or

- (d) In testimony under oath;
- (3) Use or possession of, or trafficking in, any illegal substance, or violation of the drug laws, rules or regulations of this state, or any other state or the federal government;
- (4) Misconduct, fraud, misrepresentation, dishonesty, unethical conduct or unprofessional conduct, including illegal, unauthorized or unprofessional use or release of criminal history information, criminal intelligence, confidential reports or closed reports;
- (5) Failure to comply with the continuing education requirements as promulgated by rule of the peace officer standards and training commission;
- (6) Inability to serve as a certified peace officer or bailiff with reasonable safety and competency because of illness, abuse of alcohol, drugs, narcotics, chemicals, or as a result of any mental or physical condition;
- (7) Violation of a probation agreement with the department;
- (8) Final disciplinary action by any state or territory, whether agreed to voluntarily or not, including but not limited to any removal, suspension, limitation, or restriction of certificate for cause, or other final disciplinary action, if the action was in any way related to unprofessional conduct or any other act which would constitute a violation of any provision of this chapter.

3. Any person aggrieved by a decision of the director under this section may appeal as provided in chapter 536, RSMo.

4. Any person or agency authorized to submit information pursuant to this section to the director shall be immune from liability arising from the submission of the information so long as the information was submitted in good faith and without malice.

5. The director may refuse to certify any law enforcement school, academy, or training program, any law enforcement instructor or any peace officer **or bailiff** not meeting the requirements for certification [under] **pursuant to** the provisions of sections 590.100 to 590.180. **The director may establish minimum educational, age and residency requirements for certification and for entry into a certified training academy.** The director shall notify the applicant in writing of the reasons for the refusal. The applicant shall have the right to appeal the refusal by filing a complaint with the administrative hearing commission as provided by chapter 621, RSMo, and the director shall advise the applicant of this right of appeal.

6. The director shall cause a complaint to be filed with the administrative hearing commission as provided by chapter 621, RSMo, against any law enforcement instructor or any peace officer not in compliance with the requirements for certification [under] **pursuant to** the provisions of sections 590.100 to 590.180.

7. After the filing of the complaint, the proceeding will be conducted in accordance with the provisions of chapter 621, RSMo. Upon a finding by the administrative hearing commission that the grounds, provided in subsection 5 of this section for disciplinary action are met, the director may revoke the certification of any such law enforcement school, academy, or training program, law enforcement instructor or any peace officer.

**8. The department may, at its discretion, issue a certification subject to probation for any one or any combination of causes stated in subsection 2 of this section. If the department issues a probationary certification, the recipient may file a written petition with the administrative hearing commission within thirty days of the effective date of the probationary certification seeking review of whether cause exists to discipline the certification pursuant to subsection 2 of this section. The department's order of probation shall contain a statement of the conditions of probation imposed, the basis for such conditions of probation, the date such action shall become effective, and a statement that the applicant has thirty days to request in writing a hearing before the administrative hearing commission.**

**9. If no written request for a hearing is received by the administrative hearing commission within the thirty-day period, the right to seek review of the department's determination shall be considered waived.**

**590.137. 1. Upon receipt of information that a certified peace officer or bailiff may present a clear and present danger to the public health or safety, the director may issue an order suspending or restricting, or suspending and restricting the certification of the peace officer or bailiff if the director believes that the acts, conduct, or condition of the peace officer or bailiff:**

- (1) May have violated subsection 2 of section 590.135; and
  - (2) Constitute a clear and present danger to the public health and safety.
- 2. (1) The order of suspension or restriction:**
- (a) Shall be based on sworn testimony or affidavits presented to the department;
  - (b) May be issued without notice to the peace officer or bailiff and without a hearing;
  - (c) Shall include the facts that lead the department to conclude that the acts, conduct or condition of the

peace officer or bailiff constitute a clear and present danger to the public health or safety.

(2) The department or the administrative hearing commission shall serve the certificate holder, in person or by certified mail, with a copy of the order of suspension or restriction and all sworn testimony or affidavits presented to the department, a copy of the complaint and the request for expedited hearing, and a notice of the place where and the date upon which the preliminary hearing will be held. When it is not practicable to give the notice of hearing to a certificate holder in person, it may be sent to the certificate holder by certified or registered mail, return receipt requested, at the last mailing address shown in the personnel records of the last known employer. Proof of refusal of the certificate holder to accept delivery or the inability of postal authorities to deliver such mail shall be accepted as evidence that the required notice of hearing has been given.

(3) The order of restriction shall be effective upon service of the documents required in subdivision (2) of this subsection.

(4) The order of suspension shall become effective upon the entry of the preliminary order of the administrative hearing commission.

(5) The peace officer or bailiff may seek a stay order from the circuit court of Cole County from the preliminary order of suspension, pending the issuance of a final order by the administrative hearing commission.

3. The department shall file a complaint with the administrative hearing commission with a request for expedited preliminary hearing and shall certify the order of suspension or restriction and all sworn testimony or affidavits presented to the department. Immediately upon receipt of a complaint filed pursuant to this section, the administrative hearing commission shall set the place and date of the expedited preliminary hearing which shall be conducted as soon as possible, but not later than five days after the date of service upon the licensee. The administrative hearing commission shall grant the request of a peace officer for a continuance of the preliminary hearing; however, the department's order shall remain in full force and effect until the preliminary hearing, which shall be held not later than forty days after service of the documents required in subdivision (2) of subsection 2 of this section.

4. At the preliminary hearing, the administrative hearing commission shall receive into evidence all information certified by the department and shall only hear evidence on the issue of whether the department's order of suspension or restriction should be terminated or modified. Within one hour after the preliminary hearing, the administrative hearing commission shall issue its oral or written preliminary order, with or without findings of fact and conclusions of law, that either adopts, terminates or modifies the department's order. The administrative hearing commission shall reduce to writing any oral preliminary order within five business days, but the effective date of the order shall be the date orally issued.

5. The preliminary order of the administrative hearing commission shall become a final order and shall remain in effect for three years unless either party files a request for a full hearing on the merits of the complaint filed by the department within thirty days from the date of the issuance of the preliminary order of the administrative hearing commission.

6. Upon receipt of a request for full hearing, the administrative hearing commission shall set a date for hearing and notify the parties in writing of the time and place of the hearing. If a request for full hearing is timely filed, the preliminary order of the administrative hearing commission shall remain in effect until the administrative hearing commission enters an order terminating, modifying or dismissing its preliminary order or until the department issues an order of discipline following its consideration of the decision of the administrative hearing commission pursuant to section 621.110, RSMo, and subsection 3 of section 590.137.

7. Notwithstanding the provisions of this chapter or chapter 610, RSMo, or chapter 621, RSMo, to the contrary, the proceedings pursuant to this section shall be closed and no order shall be made public until it is final, for purposes of appeal.

8. The burden of proving the elements listed in subsection 2 of this section shall be upon the department of public safety.

590.138. Upon application by the department, and the necessary burden having been met, a court of general jurisdiction may grant an injunction, restraining order or other order as may be appropriate to enjoin a person from engaging in any practice or business authorized by a certificate, permit or license issued pursuant to this chapter upon a showing that the holder presents a substantial probability of serious danger to the health, safety or welfare of any resident of the state.

590.139. 1. The director may administer oaths, subpoena witnesses, issue subpoenas duces tecum and require production of documents and records. Subpoenas, including subpoenas duces tecum, shall be served by a person authorized to serve subpoenas of courts of record. In lieu of requiring attendance of a person to

produce original documents in response to a subpoena duces tecum, the department may require sworn copies of such documents to be filed with it or delivered to its designated representative.

2. The department may enforce its subpoenas, including subpoenas duces tecum, by applying to a circuit court of the county of the investigation, hearing or proceeding, or any county where the person resides or may be found, for an order upon any person who shall fail to obey a subpoena to show cause why such subpoena should not be enforced. The show cause order and a copy of the application shall be served upon the person in the same manner as a summons in a civil action. If the circuit court after a hearing, determines that the subpoena should be sustained and enforced, the court shall proceed to enforce the subpoena in the same manner as though the subpoena had been issued in a civil case in the circuit court.

3. In any investigation, hearing or other proceeding to determine a peace officer's or applicant's fitness to serve as a peace officer, any record relating to any peace officer or applicant shall be discoverable by the department and admissible into evidence, regardless of any statutory or common law privilege which such peace officer, applicant, record custodian might otherwise invoke. In addition, no peace officer, applicant or record custodian may withhold records or testimony bearing upon the peace officer's or applicant's fitness to practice on the grounds of privilege between the peace officer, certified reserve officer, applicant or record custodian.

4. Any person who reports or provides information to the department, or any person who assists the department, including, but not limited to, applicants, peace officers who are the subject of an investigation or serving on competency panels, record custodians, consultants, attorneys, department members, agents, employees or expert witnesses, in the course of any investigation, hearing or other proceeding conducted by or before the department pursuant to the provisions of this chapter and who does so in good faith and without negligence or malice shall not be subject to an action of civil damages as a result, and no cause of action of any nature shall arise against such person.

590.140. 1. A surcharge of two dollars may be assessed as costs in each criminal case involving violations of any county ordinance or a violation of any criminal or traffic laws of the state, including infractions, or violations of municipal ordinances, provided that no such fee shall be collected in any proceeding in any court when the proceeding or defendant has been dismissed by the court or when costs are to be paid by the state, county or municipality. For violations of the general criminal laws of the state or county ordinances, no such surcharge shall be collected unless it is authorized by the county government where the violation occurred. For violations of municipal ordinances, no such surcharge shall be collected unless it is authorized by the municipal government where the violation occurred. Any such surcharge shall be authorized by the county or municipality and written notice given to the supreme court of such authorization prior to December first of the year preceding the state fiscal year during which such surcharge is to be collected and disbursed in the manner provided by sections 488.010 to 488.020, RSMo. If imposed by a municipality, such surcharges shall be collected by the clerk of the municipal court responsible for collecting court costs and fines and shall be transmitted monthly to the treasurer of the municipality where the violation occurred in cases of violations of municipal ordinances. If imposed by a county, such surcharges shall be collected and disbursed as provided in sections 488.010 to 488.020, RSMo. Such surcharges shall be payable to the treasurer of the county where the violation occurred in the case of violations of the general criminal laws of the state or county ordinances. An additional surcharge in the amount of one dollar shall be assessed as provided in this section, and shall be collected and disbursed as provided in sections 488.010 to 488.020, RSMo, and payable to the state treasury to the credit of the peace officer standards and training commission fund created in section 590.178. Such surcharges shall be in addition to the court costs and fees and limits on such court costs and fees established by section 66.110, RSMo, and section 479.260, RSMo.

2. Each county and municipality shall use all funds received [under] **pursuant to** this section only to pay for the training required as provided in sections 590.100 to 590.180 or for the training of county coroners and their deputies **provided that any excess funds not allocated to pay for such training may be used to pay for additional training of peace officers or for training of other law enforcement personnel employed or appointed by the county or municipality.** No county or municipality shall retain more than one thousand five hundred dollars of such funds for each certified law enforcement officer, candidate for certification employed by that agency or a coroner and the coroner's deputies. Any excess funds shall be transmitted quarterly to the general revenue fund of the county or municipality treasury which assessed the costs.

[590.150. The provisions of sections 590.100 to 590.180 shall not apply to a political subdivision having a population of less than two thousand persons or which does not have at least four full-time paid peace officers unless such political subdivision is located in a county of the first class having a charter form of government; provided, however, the governing body of the political subdivision may by order or ordinance elect to come under the provisions of sections 590.100 to 590.180 or such election may be later rescinded and, provided further, that upon election to come

under the provisions of sections 590.100 to 590.180 the political subdivision shall be entitled to authorize the fees allowed by section 590.140, otherwise, such fees shall not be collected.]

[590.170. 1. The director shall consult with Missouri sheriffs and their professional organizations and after such consultation shall formulate a training program for persons elected for the first time to the office of sheriff for the purpose of developing improved law enforcement procedures throughout the state.

2. The training program shall consist of at least one hundred twenty hours of instruction covering all major phases of law enforcement with emphasis on the duties and responsibilities of sheriffs.]

[590.175. 1. Any person who is elected to his first term as sheriff in a general election or in a special election in any county of this state shall, within eighteen months of such election, cause to be filed with the presiding circuit judge of the county and director of the department of public safety proof that he has completed the training program formulated pursuant to sections 590.170 and 590.175 or some other comparable training program of not less than one hundred twenty hours instruction approved by the director of the department of public safety.

2. Whether any person elected to his first term as sheriff attends such a training program prior to or after assuming the duties of his office shall be left to the discretion of the governing body of the county from which he was elected. During the time that a sheriff-elect is enrolled in such a training program, he shall be hired as a county employee and receive as full compensation from the county from which he was elected, compensation at a rate equal to that of the sheriff of the county. Tuition and room and board for newly elected sheriffs and sheriffs-elect enrolled in such a training program shall be paid by the state.]

590.180. 1. Any person who purposely violates any of the provisions of section 590.110, 590.115 [or 590.175], **590.140 or 590.178** is guilty of a class B misdemeanor.

2. **A person commits a class B misdemeanor if, in violation of sections 590.100 to 590.180, such person knowingly:**

(1) **Commissions or continues the commission of a peace officer or bailiff not certified as such by the director; or**

(2) **Accepts a commission as, or otherwise acts as, a peace officer or bailiff without being certified as such by the director.**

3. Any law enforcement agency which employs a peace officer who is not certified as required by sections 590.100 to 590.180 or who is otherwise in violation of any provision of sections 590.100 to 590.180 shall not be eligible to receive state or federal funds which would otherwise be paid to it for purposes of training and certifying peace officers or for other law enforcement, safety or criminal justice purposes."; and

Further amend said title, enacting clause and intersectional references accordingly.

Representative Smith raised a point of order that **House Amendment No. 11** goes beyond the scope of the bill.

The Chair ruled the point of order not well taken.

On motion of Representative Hosmer, **House Amendment No. 11** was adopted.

Representative Bennett offered **House Amendment No. 12.**

*House Amendment No. 12*

AMEND House Committee Substitute for Senate Substitute for Senate Bill No. 813, Page 4, Section 650.010, Line 33, by inserting the following at the end of said section:

**"Section 1. No local law enforcement agency may adopt a rule requiring residency of its law enforcement officers"; and**

Further amend said title, enacting clause and intersectional references accordingly.

On motion of Representative Bennett, **House Amendment No. 12** was adopted.

Representative Ballard offered **House Amendment No. 13**.

*House Amendment No. 13*

AMEND House Committee Substitute for Senate Substitute for Senate Bill No. 813, Page 4, Section 650.010, Line 33, by inserting at the end of said section the following:

**“6. The state shall reimburse municipalities for any new or increased activities or service beyond that required by existing law as required by Article X, Section 21, of the Missouri Constitution.”.**

On motion of Representative Ballard, **House Amendment No. 13** was adopted.

Representative Crump moved the previous question on the adoption of **HCS SS SB 813, as amended**.

Which motion was adopted by the following vote:

AYES: 084

Abel	Auer	Backer	Barry 100	Berkowitz
Bonner	Boucher 48	Boykins	Bray 84	Britt
Brooks	Campbell	Clayton	Crump	Curls
Davis 122	Davis 63	Days	Dougherty	Farnen
Fitzwater	Foley	Ford	Fraser	Gambaro
George	Graham 24	Gratz	Green	Gunn
Hagan-Harrell	Hampton	Harlan	Hickey	Hilgemann
Hollingsworth	Hoppe	Hosmer	Kelly 27	Kennedy
Kissell	Koller	Kreider	Lakin	Lawson
Leake	Liese	Luetkenhaus	May 108	Mays 50
McBride	McKenna	McLuckie	Merideth	Monaco
Murray	O'Connor	O'Toole	Overschmidt	Parker
Ransdall	Relford	Reynolds	Riley	Rizzo
Scheve	Schilling	Seigfreid	Selby	Shelton
Skaggs	Smith	Thompson	Treadway	Troupe
Van Zandt	Wagner	Ward	Wiggins	Williams 121
Williams 159	Wilson 25	Wilson 42	Mr. Speaker	

NOES: 071

Akin	Alter	Ballard	Barnett	Bartelsmeyer
Bartle	Bennett	Black	Blunt	Boatright
Burton	Champion	Chrismer	Cierpiot	Crawford
Dolan	Elliott	Enz	Evans	Foster
Froelker	Gaskill	Gibbons	Graham 106	Griesheimer
Gross	Hanaway	Hartzler 123	Hartzler 124	Hegeman
Hendrickson	Hohulin	Holand	Howerton	Kasten
Kelley 47	King	Klindt	Legan	Levin
Linton	Lograsso	Long	Loudon	Luetkemeyer
Marble	McClelland	Miller	Murphy	Myers
Naeger	Nordwald	Ostmann	Patek	Phillips
Pouche 30	Purgason	Reid	Reinhart	Richardson
Ridgeway	Robirds	Ross	Sallee	Schwab
Scott	Shields	Summers	Surface	Tudor
Wright				

PRESENT: 000



ABSENT WITH LEAVE: 007

Berkstresser	Franklin	Pryor	Secrest	Stokan
Townley	Vogel			

VACANCIES: 001

On motion of Representative Kissell, **HCS SS SB 813, as amended**, was adopted.

Representative Summers requested that **HCS SS SB 813, as amended**, be referred to the Committee on Fiscal Review.

Which motion was defeated.

Speaker Gaw resumed the Chair.

On motion of Representative Kissell, **HCS SS SB 813, as amended**, was read the third time and passed by the following vote:

AYES: 113

Abel	Akin	Alter	Auer	Backer
Ballard	Barnett	Barry 100	Bartle	Bennett
Berkowitz	Berkstresser	Black	Blunt	Bonner
Boucher 48	Bray 84	Britt	Campbell	Champion
Chrismer	Cierpiot	Clayton	Crawford	Crump
Curls	Davis 122	Davis 63	Dolan	Dougherty
Enz	Evans	Farnen	Fitzwater	Foley
Ford	Gambara	George	Gibbons	Graham 106
Graham 24	Green	Gross	Gunn	Hagan-Harrell
Hampton	Hanaway	Harlan	Hegeman	Hendrickson
Hickey	Hollingsworth	Hoppe	Hosmer	Kelly 27
Kennedy	King	Kissell	Klindt	Koller
Kreider	Lakin	Lawson	Leake	Levin
Liese	Loudon	Luetkemeyer	Luetkenhaus	May 108
Mays 50	McKenna	McLuckie	Merideth	Monaco
Murray	Myers	Naeger	O'Connor	O'Toole
Ostmann	Overschmidt	Parker	Patek	Ransdall
Reid	Reinhart	Relford	Reynolds	Rizzo
Ross	Scheve	Schwab	Secrest	Seigfreid
Selby	Shelton	Shields	Skaggs	Smith
Summers	Thompson	Treadway	Tudor	Van Zandt
Wagner	Ward	Wiggins	Williams 121	Williams 159
Wilson 42	Wright	Mr. Speaker		

NOES: 037

Bartelsmeyer	Boatright	Boykins	Burton	Days
Elliott	Foster	Fraser	Froelker	Gaskill
Griesheimer	Hartzler 123	Hartzler 124	Hohulin	Holand
Howerton	Kelley 47	Legan	Linton	Lograsso
Long	Marble	McBride	McClelland	Miller
Nordwald	Phillips	Pouche 30	Purgason	Ridgeway
Riley	Robirds	Sallee	Schilling	Scott
Surface	Troupe			

PRESENT: 001

Brooks

ABSENT WITH LEAVE: 011

Franklin  
Pryor  
Wilson 25

Gratz  
Richardson

Hilgemann  
Stokan

Kasten  
Townley

Murphy  
Vogel

VACANCIES: 001

Speaker Gaw declared the bill passed.

On motion of Representative Bonner, title to the bill was agreed to.

Representative Clayton moved that the vote by which the bill passed be reconsidered.

Representative Hickey moved that motion lay on the table.

The latter motion prevailed.

### **SENATE BILL FOR THIRD READING - INFORMAL**

**HCS SB 856**, relating to regulation of managed care, was taken up by Representative Harlan.

Representative Auer raised a point of order that the **House Committee Substitute** goes beyond the scope of the original bill.

The Chair ruled the point of order not well taken.

Representative Harlan offered **HS HCS SB 856**.

Representative Harlan offered **House Amendment No. 1**.

#### *House Amendment No. 1*

AMEND House Substitute for House Committee Substitute for Senate Bill No. 856, Page 15, Section 376.419, Line 21, by deleting the word "**Employment**" on said line and inserting in lieu thereof the word "**Employee**"; and

Further amend said bill, Pages 16-24, Section 376.426, by deleting all of said section from the bill; and

Further amend said bill, Page 41, Section 376.1406, Line 22, by deleting all of said line and inserting in lieu thereof the following: "**provider to whom the insured was referred**"; and

Further amend said bill, Page 43, Section 1, Lines 1-2, by deleting the following: "**or a continuing care community, as defined in section 197.305, RSMo,**"; and

Further amend the title, enacting clause and intersectional references accordingly.

On motion of Representative Harlan, **House Amendment No. 1** was adopted.

Representative Hanaway requested a division of the question on **HS HCS SB 856**.

Representative Harlan offered **House Amendment No. 1 to Part I of HS HCS SB 856.**

*House Amendment No. 1  
to  
Part I*

AMEND Part I of House Substitute for House Committee Substitute for Senate Bill No. 856, Page 10, Section 376.383, Lines 14-23, by deleting all of said lines; and

Further amend said bill, Page 11, Section 376.383, Lines 1-18, by deleting all of said lines and inserting in lieu thereof the following:

**"addition to other remedies provided by law, a person who has filed a claim for reimbursement for a health care service, as defined in section 376.1350, may file a civil action against the health carrier for any violation of this section. If the court finds that a violation of this section has occurred, the court shall award to a prevailing plaintiff a penalty of five hundred dollars per day from the date that interest pursuant to this section first becomes due, in addition to the claimed reimbursement and interest."**

Representative Gibbons offered **House Substitute Amendment No. 1 for House Amendment No. 1 to Part I of HS HCS SB 856.**

*House Substitute Amendment No. 1  
for  
House Amendment No. 1  
to  
Part I*

AMEND Part I of House Substitute for House Committee Substitute for Senate Bill No. 856, Page 10, Section 376.383, Lines 14-23, by deleting all of said lines; and

Further amend said bill, Page 11, Section 376.383, Lines 1-18, by deleting all of said lines and inserting in lieu thereof the following:

**"addition to other remedies provided by law, a person who has filed a claim for reimbursement for a health care service, as defined in section 376.1350, may file a civil action against the health carrier for any violation of this section. If the court finds that a violation of this section has occurred, the court shall award to a prevailing plaintiff a penalty of fifty dollars per day from the date that interest pursuant to this section first becomes due, in addition to the claimed reimbursement and interest."**

**HCS SB 856, with House Substitute Amendment No. 1 for House Amendment No. 1 to Part I of HS, as amended, House Amendment No. 1 to Part I of HS, as amended, Part II, Part III, Part IV and Part V of HS, as amended, pending, was laid over.**

**MESSAGES FROM THE SENATE**

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **HB 1321.**

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate refuses to recede from its position on **SCS HCS HB 1591** and grants the House a conference thereon.

### **APPOINTMENT OF CONFERENCE COMMITTEES**

The Speaker appointed the following Conference Committees to act with like committees from the Senate on the following bills:

**SCS HS HCS HB 1742:** Representatives Gaw, Koller, Green, Ostmann and Patek

**SCS HCS HB 1591:** Representatives Backer, Hoppe, Days, Griesheimer and Richardson

Representative Smith resumed the Chair.

### **THIRD READING OF SENATE BILL - INFORMAL**

**HCS SB 856, with House Substitute Amendment No. 1 for House Amendment No. 1 to Part I of HS, as amended, House Amendment No. 1 to Part I of HS, as amended, Part II, Part III, Part IV and Part V of HS, as amended, pending,** relating to regulation of managed care, was again taken up by Representative Harlan.

On motion of Representative Gibbons, **House Substitute Amendment No. 1 for House Amendment No. 1 to Part I of HS HCS SB 856** was adopted.

Representative Murray offered **House Amendment No. 2 to Part I of HS HCS SB 856.**

*House Amendment No. 2  
to  
Part I*

AMEND Part I of House Substitute for House Committee Substitute for Senate Bill No. 856, Page 8, Section 354.603, Line 12, by inserting after said line the following:

"354.618. 1. A health carrier shall be required to offer as an additional health plan, an open referral health plan whenever it markets a gatekeeper group plan as an exclusive or full replacement health plan offering to a group contract holder:

(1) In the case of group health plans offered to employers of fifty or fewer employees, the decision to accept or reject the additional open referral plan offering shall be made by the group contract holder. For health plans marketed to employers of over fifty employees, the decision to accept or reject shall be made by the employee;

(2) Contracts currently in existence shall offer the additional open referral health plan at the next annual renewal after August 28, 1997; however, multi-year group contracts need not comply until the expiration of their current multi-year term unless the group contract holder elects to comply before that time;

(3) If an employer provides more than one health plan to its employees and at least one is an open referral plan, then all health benefit plans offered by such employer shall be exempt from the requirements of this section.

2. For the purposes of this [act] **section**, the following terms shall mean:

(1) "Open referral plan", a plan in which the enrollee is allowed to obtain treatment for covered benefits without a referral from a primary care physician from any person licensed to provide such treatment;

(2) "Gatekeeper group plan", a plan in which the enrollee is required to obtain a referral from a primary care

professional in order to access specialty care.

3. Any health benefit plan provided pursuant to the Medicaid program shall be exempt from the requirements of this section.

4. [A health carrier shall have a procedure by which a female enrollee may seek the health care services of an obstetrician/gynecologist at least once a year without first obtaining prior approval from the enrollee's primary care provider if the benefits are covered under the enrollee's health benefit plan, and the obstetrician/gynecologist is a member of the health carrier's network.] **A health carrier shall not require as a condition to the coverage of the services of a participating obstetrician or a participating gynecologist that a covered person first obtain a referral from a primary care provider. The covered person shall, at all times, have direct access to the services of a participating obstetrician or a participating gynecologist of her choice. For purposes of this subsection, an obstetrician or gynecologist is defined as a physician licensed pursuant to chapter 334, RSMo, and is board eligible or board certified by the American board of obstetricians and gynecologists. The services covered by this subsection shall be limited to those services defined by the published recommendations of the accreditation council for graduate medical education for training an obstetrician or gynecologist, including, but not limited to, diagnosis, treatment and referral. A health carrier shall not impose a surcharge, or additional copayments or deductibles upon any covered person who seeks or receives health care services pursuant to this subsection, unless similar surcharges, or additional copayments or deductibles are imposed for other types of health care services received within the network.** In no event shall a health carrier be required to permit an enrollee to have health care services delivered by a nonparticipating obstetrician/gynecologist. [An obstetrician/gynecologist who delivers health care services directly to an enrollee shall report such visit and health care services provided to the enrollee's primary care provider. A health carrier may require an enrollee to obtain a referral from the primary care physician, if such enrollee requires more than one annual visit with an obstetrician/gynecologist.]

5. Except for good cause, a health carrier shall be prohibited from discriminating between eye care providers when selecting among providers of health services for enrollment in the network and when referring enrollees for health services provided within the scope of those professional licenses. For the purposes of this section, an eye care provider may be either an optometrist licensed pursuant to chapter 336, RSMo, or a physician who specializes in ophthalmologic medicine, licensed pursuant to chapter 334, RSMo.

6. Nothing contained in this section shall be construed as to require a health carrier to pay for health care services not provided for in the terms of a health benefit plan.

7. Any health carrier, which is sponsored by a federally qualified health center and is presently in existence and which has been in existence for less than three years shall be exempt from this section for a period not to exceed two years from August 28, 1997.

8. A health carrier shall not be required to offer the direct access rider for a group contract holder's health benefit plan if the health benefit plan is being provided pursuant to the terms of a collective bargaining agreement with a labor union, in accordance with federal law and the labor union has declined such option on behalf of its members.

9. Nothing in this [act] **section** shall be construed to preempt the employer's right to select the health care provider pursuant to section 287.140, RSMo, in a case where an employee incurs a work-related injury covered by the provisions of chapter 287, RSMo.

10. Nothing contained in this [act] **section** shall apply to certified managed care organizations while providing medical treatment to injured employees entitled to receive health benefits [under] **pursuant to the provisions of** chapter 287, RSMo, pursuant to contractual arrangements with employers, or their insurers, [under] **pursuant to** section 287.135, RSMo."; and

Further amend the title, enacting clause, and intersectional references accordingly.

Representative Barry offered **House Substitute Amendment No. 1 for House Amendment No. 2 to Part I of HS HCS SB 856.**

*House Substitute Amendment No. 1  
for  
House Amendment No. 2  
to  
Part I*

AMEND Part I of House Substitute for House Committee Substitute for Senate Bill No. 856, Page 8, Section 354.603, Line 12, by inserting after said line the following:

"354.618. 1. A health carrier shall be required to offer as an additional health plan, an open referral health plan whenever it markets a gatekeeper group plan as an exclusive or full replacement health plan offering to a group contract holder:

(1) In the case of group health plans offered to employers of fifty or fewer employees, the decision to accept or reject the additional open referral plan offering shall be made by the group contract holder. For health plans marketed to employers of over fifty employees, the decision to accept or reject shall be made by the employee;

(2) Contracts currently in existence shall offer the additional open referral health plan at the next annual renewal after August 28, 1997; however, multi-year group contracts need not comply until the expiration of their current multi-year term unless the group contract holder elects to comply before that time;

(3) If an employer provides more than one health plan to its employees and at least one is an open referral plan, then all health benefit plans offered by such employer shall be exempt from the requirements of this section.

2. For the purposes of this [act] **section**, the following terms shall mean:

(1) "Open referral plan", a plan in which the enrollee is allowed to obtain treatment for covered benefits without a referral from a primary care physician from any person licensed to provide such treatment;

(2) "Gatekeeper group plan", a plan in which the enrollee is required to obtain a referral from a primary care professional in order to access specialty care.

3. Any health benefit plan provided pursuant to the Medicaid program shall be exempt from the requirements of this section.

4. [A health carrier shall have a procedure by which a female enrollee may seek the health care services of an obstetrician/gynecologist at least once a year without first obtaining prior approval from the enrollee's primary care provider if the benefits are covered under the enrollee's health benefit plan, and the obstetrician/gynecologist is a member of the health carrier's network.] **A health carrier shall not require as a condition to the coverage of the services of a participating obstetrician or a participating gynecologist that a covered person first obtain a referral from a primary care provider. The covered person shall, at all times, have direct access to the services of a participating obstetrician or a participating gynecologist of her choice within the provider network. For purposes of this subsection, an obstetrician or gynecologist is defined as a physician licensed pursuant to chapter 334, RSMo, and is board eligible or board certified by the American board of obstetricians and gynecologists. The services covered by this subsection shall be limited to those services defined by the published recommendations of the accreditation council for graduate medical education for training an obstetrician or gynecologist, including, but not limited to, diagnosis, treatment and referral. A health carrier shall not impose a surcharge, or additional copayments or deductibles upon any covered person who seeks or receives health care services pursuant to this subsection, unless similar surcharges, or additional copayments or deductibles are imposed for other types of health care services received within the network.** In no event shall a health carrier be required to permit an enrollee to have health care services delivered by a nonparticipating obstetrician/gynecologist. [An obstetrician/gynecologist who delivers health care services directly to an enrollee shall report such visit and health care services provided to the enrollee's primary care provider. A health carrier may require an enrollee to obtain a referral from the primary care physician, if such enrollee requires more than one annual visit with an obstetrician/gynecologist.]

5. Except for good cause, a health carrier shall be prohibited from discriminating between eye care providers when selecting among providers of health services for enrollment in the network and when referring enrollees for health services provided within the scope of those professional licenses. For the purposes of this section, an eye care provider may be either an optometrist licensed pursuant to chapter 336, RSMo, or a physician who specializes in ophthalmologic medicine, licensed pursuant to chapter 334, RSMo.

6. Nothing contained in this section shall be construed as to require a health carrier to pay for health care services not provided for in the terms of a health benefit plan.

7. Any health carrier, which is sponsored by a federally qualified health center and is presently in existence and which has been in existence for less than three years shall be exempt from this section for a period not to exceed two years from August 28, 1997.

8. A health carrier shall not be required to offer the direct access rider for a group contract holder's health benefit plan if the health benefit plan is being provided pursuant to the terms of a collective bargaining agreement with a labor union, in accordance with federal law and the labor union has declined such option on behalf of its members.

9. Nothing in this [act] **section** shall be construed to preempt the employer's right to select the health care provider pursuant to section 287.140, RSMo, in a case where an employee incurs a work-related injury covered by the provisions of chapter 287, RSMo.

10. Nothing contained in this [act] **section** shall apply to certified managed care organizations while providing medical treatment to injured employees entitled to receive health benefits [under] **pursuant to the provisions of** chapter 287, RSMo, pursuant to contractual arrangements with employers, or their insurers, [under] **pursuant to** section 287.135, RSMo."; and

Further amend the title, enacting clause and intersectional references accordingly.

On motion of Representative Barry, **House Substitute Amendment No. 1 for House Amendment No. 2 to Part I of HS HCS SB 856** was adopted.

Representative Boucher offered **House Amendment No. 3 to Part I of HS HCS SB 856**.

Representative Harlan raised a point of order that **House Amendment No. 3 to Part I of HS HCS SB 856** goes beyond the scope of the bill.

Representative Smith requested a parliamentary ruling.

The Parliamentary Committee ruled the point of order well taken.

Representative Patek offered **House Amendment No. 3 to Part I of HS HCS SB 856**.

*House Amendment No. 3  
to  
Part I*

AMEND Part I of House Substitute for House Committee Substitute for Senate Bill No. 856, Page 6, Section 354.548, Lines 3-4, by deleting all of said lines, and replacing in lieu thereof the following: "**statements.**".

Representative Patek moved that **House Amendment No. 3 to Part I of HS HCS SB 856** be adopted.

Which motion was defeated.

Representative Leake offered **House Amendment No. 4 to Part I of HS HCS SB 856**.

**House Amendment No. 4 to Part I of HS HCS SB 856** was withdrawn.

Representative Richardson offered **House Amendment No. 4 to Part I of HS HCS SB 856**.

*House Amendment No. 4*  
*to*  
*Part I*

AMEND Part I of House Substitute for House Committee Substitute for Senate Bill No. 856, Pages 5-6, Section 354.603.1(3), Lines 20-24 on Page 5, and Lines 1-4 on Page 6, by striking all of said lines.

Representative Monaco raised a point of order that **House Amendment No. 4 to Part I of HS HCS SB 856** is dilatory.

Representative Smith requested a parliamentary ruling.

The Parliamentary Committee ruled the point of order not well taken.

Representative Richardson moved that **House Amendment No. 4 to Part I of HS HCS SB 856** be adopted.

Which motion was defeated by the following vote:

AYES: 039

Akin	Alter	Auer	Ballard	Bartelsmeyer
Blunt	Burton	Champion	Crawford	Elliott
Foster	Graham 106	Gross	Hanaway	Hegeman
Hohulin	Kasten	Kelley 47	King	Klindt
Legan	Linton	Lograsso	Long	Marble
Murphy	Myers	Nordwald	Ostmann	Patek
Pouche 30	Purgason	Richardson	Ridgeway	Schwab
Scott	Summers	Surface	Wright	

NOES: 115

Abel	Backer	Barnett	Barry 100	Bartle
Bennett	Berkowitz	Black	Boatright	Bonner
Boucher 48	Boykins	Bray 84	Britt	Brooks
Campbell	Chrismer	Cierpiot	Clayton	Crump
Curls	Davis 122	Davis 63	Days	Dolan
Enz	Evans	Farnen	Fitzwater	Foley
Ford	Fraser	Froelker	Gambaro	Gaskill
George	Gibbons	Graham 24	Gratz	Green
Griesheimer	Gunn	Hagan-Harrell	Hampton	Harlan
Hartzler 123	Hartzler 124	Hendrickson	Hickey	Hilgemann
Holand	Hollingsworth	Hoppe	Hosmer	Howerton
Kelly 27	Kennedy	Kissell	Koller	Kreider
Lakin	Lawson	Leake	Levin	Liese
Loudon	Luetkemeyer	May 108	Mays 50	McBride
McClelland	McKenna	McLuckie	Merideth	Miller
Monaco	Murray	Naeger	O'Connor	O'Toole
Overschmidt	Parker	Phillips	Pryor	Ransdall
Reid	Reinhart	Relford	Reynolds	Riley
Rizzo	Robirds	Ross	Sallee	Scheve
Schilling	Secrest	Seigfreid	Selby	Shelton
Skaggs	Smith	Thompson	Treadway	Tudor
Van Zandt	Vogel	Wagner	Ward	Wiggins
Williams 121	Williams 159	Wilson 25	Wilson 42	Mr. Speaker

PRESENT: 001

Shields



ABSENT WITH LEAVE: 007

Berkstresser	Dougherty	Franklin	Luetkenhaus	Stokan
Townley	Troupe			

VACANCIES: 001

**HCS SB 856, with Part I, as amended, Part II, Part III, Part IV and Part V of HS, as amended, pending, was laid over.**

## MOTION

Representative Koller moved that Rule 26 be suspended to allow the conferees to meet on **SCS HS HCS HB 1742** at 5:30 p.m. this day.

Which motion was adopted by the following vote:

AYES: 146

Akin	Alter	Auer	Backer	Ballard
Barnett	Barry 100	Bartelsmeyer	Bartle	Bennett
Berkowitz	Black	Blunt	Boatright	Bonner
Boucher 48	Britt	Brooks	Burton	Campbell
Champion	Chrismer	Cierpiot	Clayton	Crawford
Crump	Curls	Davis 122	Davis 63	Days
Dolan	Dougherty	Elliott	Enz	Evans
Farnen	Fitzwater	Foley	Ford	Foster
Fraser	Froelker	Gambaro	Gaskill	George
Gibbons	Graham 106	Graham 24	Gratz	Green
Griesheimer	Gross	Gunn	Hagan-Harrell	Hampton
Hanaway	Harlan	Hartzler 123	Hartzler 124	Hegeman
Hickey	Hilgemann	Holand	Hollingsworth	Hoppe
Hosmer	Howerton	Kasten	Kelley 47	Kelly 27
Kennedy	King	Kissell	Klindt	Koller
Kreider	Lakin	Lawson	Leake	Legan
Levin	Liese	Linton	Long	Luetkemeyer
Marble	May 108	Mays 50	McClelland	McKenna
McLuckie	Merideth	Miller	Monaco	Murray
Myers	Naeger	Nordwald	O'Connor	O'Toole
Ostmann	Overschmidt	Parker	Patek	Phillips
Pouche 30	Pryor	Ransdall	Reid	Reinhart
Relford	Reynolds	Richardson	Ridgeway	Riley
Rizzo	Robirds	Ross	Sallee	Scheve
Schilling	Schwab	Scott	Secrest	Seigfreid
Selby	Shelton	Shields	Skaggs	Smith
Summers	Surface	Thompson	Treadway	Troupe
Tudor	Van Zandt	Vogel	Wagner	Ward
Wiggins	Williams 121	Williams 159	Wilson 25	Wilson 42
Mr. Speaker				

NOES: 006

Hendrickson	Hohulin	Lograsso	Loudon	McBride
Murphy				

PRESENT: 000

ABSENT WITH LEAVE: 010

Abel	Berkstresser	Boykins	Bray 84	Franklin
Luetkenhaus	Purgason	Stokan	Townley	Wright

VACANCIES: 001

### THIRD READING OF SENATE BILL - INFORMAL

**HCS SB 856, with Part I, as amended, Part II, Part III, Part IV and Part V of HS, as amended, pending**, relating to regulation of managed care, was again taken up by Representative Harlan.

Representative Leake offered **House Amendment No. 5 to Part I of HS HCS SB 856**.

*House Amendment No. 5  
to  
Part I*

AMEND Part I of House Substitute for House Committee Substitute for Senate Bill No. 856, Page 11, Section 376.383, Line 18, by inserting immediately after said line the following:

**“7. In the event that any person licensed under section 190.001 to 190.245, RSMo, provides emergency transportation services to any enrollee or insured, the enrollee or insured’s health carrier shall pay for such emergency transportation services within forty-five days after receipt for a claim for reimbursement. In the event that a health carrier does not have a contract in place with the licensed person providing such emergency transportation services, the health carrier will be obligated to pay the licensed person’s usual and customary charge for the emergency service rendered.”.**

On motion of Representative Leake, **House Amendment No. 5 to Part I of HS HCS SB 856** was adopted.

On motion of Representative Harlan, **Part I of HS HCS SB 856, as amended**, was adopted by the following vote:

AYES: 153

Abel	Akin	Alter	Backer	Ballard
Barnett	Barry 100	Bartle	Bennett	Berkowitz
Black	Blunt	Boatright	Bonner	Boucher 48
Boykins	Bray 84	Britt	Brooks	Burton
Campbell	Champion	Chrismer	Cierpiot	Clayton
Crawford	Crump	Curls	Davis 122	Davis 63
Days	Dolan	Dougherty	Elliott	Enz
Evans	Farnen	Fitzwater	Foley	Ford
Foster	Fraser	Froelker	Gambaro	Gaskill
George	Gibbons	Graham 106	Graham 24	Gratz
Green	Griesheimer	Gross	Gunn	Hagan-Harrell
Hampton	Hanaway	Harlan	Hartzler 123	Hartzler 124
Hegeman	Hendrickson	Hickey	Hilgemann	Hohulin
Holand	Hollingsworth	Hoppe	Hosmer	Howerton
Kasten	Kelley 47	Kelly 27	Kennedy	King
Kissell	Klindt	Koller	Kreider	Lakin
Lawson	Leake	Legan	Levin	Liese
Linton	Lograsso	Long	Loudon	Luetkemeyer
Marble	May 108	Mays 50	McBride	McClelland
McKenna	McLuckie	Merideth	Miller	Monaco
Murray	Myers	Naeger	Nordwald	O'Connor
O'Toole	Ostmann	Overschmidt	Parker	Patek
Phillips	Pouche 30	Pryor	Purgason	Ransdall
Reid	Reinhart	Relford	Reynolds	Richardson
Ridgeway	Riley	Rizzo	Robirds	Ross
Sallee	Scheve	Schilling	Schwab	Scott
Secrest	Seigfreid	Selby	Shelton	Shields

Skaggs	Smith	Summers	Surface	Thompson
Treadway	Troupe	Tudor	Van Zandt	Vogel
Wagner	Ward	Wiggins	Williams 121	Williams 159
Wilson 25	Wilson 42	Mr. Speaker		

NOES: 002

Auer Murphy

PRESENT: 000

ABSENT WITH LEAVE: 007

Bartelsmeyer	Berkstresser	Franklin	Luetkenhaus	Stokan
Townley	Wright			

VACANCIES: 001

Representative Harlan offered **House Amendment No. 1 to Part II of HS HCS SB 856.**

*House Amendment No. 1  
to  
Part II*

AMEND Part II of House Substitute for House Committee Substitute for Senate Bill No. 856, Page 12, Section 376.384, Line 21, by adding after the word "**services**" the following:

**"for which the health care professional is contracted to provide".**

On motion of Representative Harlan, **House Amendment No. 1 to Part II of HS HCS SB 856** was adopted.

Representative Days offered **House Amendment No. 2 to Part II of HS HCS SB 856.**

*House Amendment No. 2  
to  
Part II*

AMEND Part II of House Substitute for House Committee Substitute for Senate Bill No. 856, Page 11, Section 376.384, Line 24, by deleting the word "**authorized**" and inserting in lieu thereof the word "**certified**".

On motion of Representative Days, **House Amendment No. 2 to Part II of HS HCS SB 856** was adopted.

Representative Harlan offered **House Amendment No. 3 to Part II of HS HCS SB 856.**

*House Amendment No. 3  
to  
Part II*

AMEND Part II of House Substitute for House Committee Substitute for Senate Bill No. 856, Page 12, Section 376.384, Lines 4-6, by deleting all of said lines and inserting in lieu thereof the following:

**"(3) Effective January 1, 2002, all claims for reimbursement filed with health carriers by health care providers that are submitted electronically shall be filed in a form and format specified by the Department of Insurance. The Department of Insurance shall promulgate rules specifying the form and format governing such electronic claims submission consistent with federal administrative simplification standards adopted pursuant to the Health Insurance Portability and Accountability Act of 1996;**

**(4) Issue within 24 hours, for all claims filed electronically, confirmation of receiving a claim for reimbursement;" and**

Further amend said section by renumbering the subsequent subdivisions accordingly.

Representative Shields offered **House Substitute Amendment No. 1 for House Amendment No. 3 to Part II of HS HCS SB 856.**

*House Substitute Amendment No. 1  
for  
House Amendment No. 3  
to  
Part II*

AMEND Part II of House Substitute for House Committee Substitute for Senate Bill No. 856, Page 12, Section 376.384, Lines 4-6, by deleting all of said lines and inserting in lieu thereof the following:

**"(3) Effective January 1, 2002, accept claims for reimbursement from health care providers that are filed electronically. Effective January 1, 2002, all claims for reimbursement filed with health carriers by health care providers that are submitted electronically shall be filed in a form and format specified by the Department of Insurance. The Department of Insurance shall promulgate rules specifying the form and format governing such electronic claims submission consistent with federal administrative simplification standards adopted pursuant to the Health Insurance Portability and Accountability Act of 1996;**

**(4) Issue within 24 hours, for all claims filed electronically, confirmation of receiving a claim for reimbursement;" and**

Further amend said section by renumbering the subsequent subdivisions accordingly.

On motion of Representative Shields, **House Substitute Amendment No. 1 for House Amendment No. 3 to Part II of HS HCS SB 856** was adopted.

Representative McLuckie offered **House Amendment No. 4 to Part II of HS HCS SB 856.**

*House Amendment No. 4  
to  
Part II*

AMEND Part II of House Substitute for House Committee Substitute for Senate Bill No. 856, Page 13, Section 376.384, Line 11, by inserting after said line the following:

**"5. A health carrier shall issue to each enrollee an enrollee card which includes a telephone number for the plan and a brief description of the enrollee's type of health care plan. Such description shall include, but not be limited to, terms such as preferred provider organization, point of service, health maintenance organization or indemnity plan."**

Representative Harlan offered **House Substitute Amendment No. 1 for House Amendment No. 4 to Part II of HS HCS SB 856**.

*House Substitute Amendment No. 1  
for  
House Amendment No. 4  
to  
Part II*

AMEND Part II of House Substitute for House Committee Substitute for Senate Bill No. 856, Page 13, Section 376.384, Line 11, by inserting after said line the following:

**"5. A health carrier shall issue to each enrollee an enrollee card which includes a telephone number for the plan, prescription drug information and a brief description of the enrollee's type of health care plan. Such description shall include, but not be limited to, terms such as preferred provider organization, point of service, health maintenance organization or indemnity plan. Such enrollee card shall be reissued upon any change in the enrollee's benefits or coverage that impacts the information included on the card.";** and

Further amend said bill, Page 13, Section 376.384, Line 12, by deleting the number "5" on said line and inserting in lieu thereof the number "6".

On motion of Representative Harlan, **House Substitute Amendment No. 1 for House Amendment No. 4 to Part II of HS HCS SB 856** was adopted.

Representative Hanaway offered **House Amendment No. 5 to Part II of HS HCS SB 856**.

*House Amendment No. 5  
to  
Part II*

AMEND Part II of House Substitute for House Committee Substitute for Senate Bill No. 856, Page 16, Section 376.419.3, Lines 1-5, by deleting all of said lines, and inserting in lieu thereof the following:

**"Any contract between a health care provider and a health carrier entered into after the effective date of this section shall include a clause that states that each party shall be responsible for any and all claims, liabilities, damages or judgments which may arise as a result of its own negligence or intentional wrongdoing. Each party signatory to the contract shall hold harmless and indemnify the other party against any claims, liabilities, damages or judgments which may be asserted against, imposed upon or incurred by the other party as a result of the first party's negligence or intentional wrongdoing."**

On motion of Representative Hanaway, **House Amendment No. 5 to Part II of HS HCS SB 856** was adopted.

Representative Hanaway offered **House Amendment No. 6 to Part II of HS HCS SB 856**.

*House Amendment No. 6  
to  
Part II*

AMEND Part II of House Substitute for House Committee Substitute for Senate Bill No. 856, Page 15, Section 376.419, Line 18, by deleting the period after the word “liability” and inserting in lieu thereof the following:

**“except that nothing in this section shall be construed to apply to any clause in the contract prohibiting providers from balance billing the enrollee or his or her family for any amount in excess of the amount provided for in the contract between the provider and the carrier.”.**

On motion of Representative Hanaway, **House Amendment No. 6 to Part II of HS HCS SB 856** was adopted.

Representative Troupe offered **House Amendment No. 7 of Part II to HS HCS SB 856.**

*House Amendment No. 7  
to  
Part II*

AMEND Part II of House Substitute for House Committee Substitute for Senate Bill No. 856, Page 15, Line 13, Section 376.406, by adding the following two new sections:

**“Section 1. The division of medical services shall use the same reimbursement rate for all pharmacies participating in the Medicaid program on a fee-for-services basis.**

**Section 2. No policy, contract or plan shall permit or mandate any difference in coverage or impose any different conditions, including, but not limited to, copayments, deductibles or coinsurance or the number of days for the supply of the drug, whether the prescription benefits are provided through direct contact with a pharmacy or by use of a mail order pharmacy so long as the provider selected is a participant in the plan involved.”.**

On motion of Representative Troupe, **House Amendment No. 7 to Part II of HS HCS SB 856** was adopted.

Representative Auer offered **House Amendment No. 8 to Part II of HS HCS SB 856.**

*House Amendment No. 8  
to  
Part II*

AMEND Part II of House Substitute for House Committee Substitute for Senate Bill No. 856, Page 13, Section 376.384.3, Line 6, by inserting after said line the following:

**“4. All providers shall provide access on the Internet a listing of all of the plans in which they participate. Such listing shall be kept current to provide consumers an up-to-date listing of which plans the provider services.”; and**

Further amend said bill, by renumbering the remaining subsections accordingly.

On motion of Representative Auer, **House Amendment No. 8 to Part II of HS HCS SB 856** was adopted.

Representative Holand offered **House Amendment No. 9 to Part II of HS HCS SB 856.**

*House Amendment No. 9  
to  
Part II*

AMEND Part II of House Substitute for House Committee Substitute for Senate Bill No. 856, Page 13, Section 376.384, Line 11, by inserting after the word “understand,” the following new subsection:

**“5. An Insurer shall, upon request, promptly provide information to policy holders regarding claims history, claim status, amounts paid, dates and related information.”; and**

Renumber subsections **5.** to **6.** accordingly.

On motion of Representative Holand, **House Amendment No. 9 to Part II of HS HCS SB 856** was adopted.

Representative Richardson offered **House Amendment No. 10 to Part II of HS HCS SB 856.**

*House Amendment No. 10  
to  
Part II*

AMEND Part II of House Substitute for House Committee Substitute for Senate Bill No. 856, Page 13, Section 376.384.2, Line 2, by striking the word “six” and inserting in lieu thereof the word “**twelve**”.

On motion of Representative Richardson, **House Amendment No. 10 to Part II of HS HCS SB 856** was adopted.

Representative Elliott offered **House Amendment No. 11 to Part II of HS HCS SB 856.**

*House Amendment No. 11  
to  
Part II*

AMEND Part II of House Substitute for House Committee Substitute for Senate Bill No. 856, Page 14, Section 376.410, Line 21, by deleting the word “thirty-one” and inserting in lieu thereof the word “**ten**”.

On motion of Representative Elliott, **House Amendment No. 11 to Part II of HS HCS SB 856** was adopted.

Speaker Gaw resumed the Chair.

On motion of Representative Harlan, **Part II of HS HCS SB 856, as amended,** was adopted by the following vote:

AYES: 136

Abel	Akin	Alter	Backer	Ballard
Barnett	Barry 100	Bartle	Bennett	Berkowitz
Black	Blunt	Bonner	Boucher 48	Boykins

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Britt	Brooks	Burton	Campbell	Champion
Chrismer	Clayton	Crump	Curls	Davis 122
Davis 63	Days	Dolan	Dougherty	Enz
Evans	Farnen	Fitzwater	Foley	Ford
Franklin	Fraser	Gambaro	Gaskill	George
Gibbons	Graham 106	Graham 24	Gratz	Green
Griesheimer	Gross	Gunn	Hagan-Harrell	Hampton
Hanaway	Harlan	Hartzler 123	Hartzler 124	Hegeman
Hickey	Hilgemann	Holand	Hollingsworth	Hoppe
Hosmer	Howerton	Kasten	Kelley 47	Kelly 27
Kennedy	King	Kissell	Klindt	Koller
Kreider	Lakin	Lawson	Leake	Levin
Liese	Linton	Loudon	Marble	May 108
Mays 50	McBride	McClelland	McKenna	McLuckie
Merideth	Miller	Monaco	Murray	Myers
Naeger	Nordwald	O'Connor	O'Toole	Ostmann
Overschmidt	Parker	Patek	Phillips	Pouche 30
Pryor	Purgason	Ransdall	Reid	Reinhart
Relford	Reynolds	Riley	Rizzo	Robirds
Ross	Scheve	Schilling	Schwab	Scott
Secrest	Seigfreid	Selby	Shelton	Shields
Skaggs	Smith	Surface	Thompson	Troupe
Tudor	Van Zandt	Vogel	Wagner	Wiggins
Williams 121	Williams 159	Wilson 25	Wilson 42	Wright

NOES: 014

Auer	Boatright	Crawford	Elliott	Foster
Hendrickson	Hohulin	Legan	Lograsso	Luetkemeyer
Murphy	Richardson	Summers	Ward	

PRESENT: 000

ABSENT WITH LEAVE: 012

Bartelsmeyer	Berkstresser	Bray 84	Cierpiot	Froelker
Long	Luetkenhaus	Ridgeway	Sallee	Stokan
Townley	Treadway			

VACANCIES: 001

**HCS SB 856, with Part III, Part IV and Part V of HS, as amended, pending, was laid over.**

### CONFERENCE COMMITTEE CHANGES

The Speaker submitted the following Committee changes:

Representative Scheve is no longer a member of the Conference Committee on SCS HCS HB 1105.

Representative Williams (159) is no longer a member of the Conference Committee on SCS HCS HB 1106.

Representative Williams (159) is no longer a member of the Conference Committee on SCS HCS HB 1107.



Representative Days is no longer a member of the Conference Committee on SCS HCS HB 1108.

Representative Lakin is no longer a member of the Conference Committee on SCS HCS HB 1109.

Representative Scheve is no longer a member of the Conference Committee on SCS HCS HB 1110.

Representative Lakin is no longer a member of the Conference Committee on SCS HCS HB 1111.

Representative Franklin has been appointed a member of the Conference Committees on SCS HCS HB 1105, SCS HCS HB 1106, SCS HCS HB 1107, SCS HCS HB 1108, SCS HCS HB 1109, SCS HCS HB 1110, and SCS HCS HB 1111.

**CONFERENCE COMMITTEE REPORT  
ON  
HOUSE BILL NO. 1102**

Mr. Speaker: Your Conference Committee appointed to confer with a like committee from the Senate on Senate Committee Substitute for House Committee Substitute for House Bill No. 1102, begs leave to report that we, after open, free and fair discussion of the differences between the Senate and the House, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the House recede from its position on House Committee Substitute for House Bill No. 1102.
2. That the Senate recede from its position on Senate Committee Substitute for House Committee Substitute for House Bill No. 1102.
3. That the attached Conference Committee Substitute for House Bill No. 1102, be truly agreed to and finally passed.

**FOR THE HOUSE:**

/s/ Dick Franklin  
/s/ Steve Gaw  
/s/ Scott Lakin  
/s/ Ken Legan  
/s/ Daniel Hegeman

**FOR THE SENATE:**

/s/ Wayne Goode  
/s/ Harry Wiggins  
/s/ Joe Maxwell  
/s/ John Russell  
/s/ Morris Westfall

**CONFERENCE COMMITTEE REPORT  
ON  
HOUSE BILL NO. 1103**

Mr. Speaker: Your Conference Committee appointed to confer with a like committee from the Senate on Senate Committee Substitute for House Committee Substitute for House Bill No. 1103, begs leave to report that we, after open, free and fair discussion of the differences between the Senate and the House, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the House recede from its position on House Committee Substitute for House Bill No. 1103.
2. That the Senate recede from its position on Senate Committee Substitute for House Committee Substitute for House Bill No. 1103.
3. That the attached Conference Committee Substitute for House Bill No. 1103, be truly agreed to and finally passed.

**FOR THE HOUSE:**

/s/ Dick Franklin  
/s/ Deleta Williams  
/s/ Scott Lakin  
/s/ Ken Legan  
/s/ Daniel Hegeman

**FOR THE SENATE:**

/s/ Wayne Goode  
/s/ Harry Wiggins  
/s/ Joe Maxwell  
/s/ John Russell  
/s/ Morris Westfall

**CONFERENCE COMMITTEE REPORT  
ON  
HOUSE BILL NO. 1104**

Mr. Speaker: Your Conference Committee appointed to confer with a like committee from the Senate on Senate Committee Substitute for House Committee Substitute for House Bill No. 1104, begs leave to report that we, after open, free and fair discussion of the differences between the Senate and the House, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the House recede from its position on House Committee Substitute for House Bill No. 1104.
2. That the Senate recede from its position on Senate Committee Substitute for House Committee Substitute for House Bill No. 1104.
3. That the attached Conference Committee Substitute for House Bill No. 1104, be truly agreed to and finally passed.

**FOR THE HOUSE:**

/s/ Dick Franklin  
/s/ Deleta Williams  
/s/ Timothy P. Green  
/s/ Ken Legan  
/s/ Chuck Gross

**FOR THE SENATE:**

/s/ Wayne Goode  
/s/ Harry Wiggins  
/s/ Joe Maxwell  
/s/ John Russell  
/s/ Morris Westfall

**CONFERENCE COMMITTEE REPORT  
ON  
HOUSE BILL NO. 1105**

Mr. Speaker: Your Conference Committee appointed to confer with a like committee from the Senate on Senate Committee Substitute for House Committee Substitute for House Bill No. 1105, begs leave to report that we, after open, free and fair discussion of the differences between the Senate and the House, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the House recede from its position on House Committee Substitute for House Bill No. 1105.
2. That the Senate recede from its position on Senate Committee Substitute for House Committee Substitute for House Bill No. 1105.
3. That the attached Conference Committee Substitute for House Bill No. 1105, be truly agreed to and finally passed.

**FOR THE HOUSE:**

/s/ Dick Franklin  
/s/ Deleta Williams  
/s/ Timothy P. Green  
/s/ Ken Legan  
/s/ Daniel Hegeman

**FOR THE SENATE:**

/s/ Wayne Goode  
/s/ Harry Wiggins  
/s/ Joe Maxwell  
/s/ John Russell  
/s/ Morris Westfall

**CONFERENCE COMMITTEE REPORT  
ON  
HOUSE BILL NO. 1106**

Mr. Speaker: Your Conference Committee appointed to confer with a like committee from the Senate on Senate Committee Substitute for House Committee Substitute for House Bill No. 1106, begs leave to report that we, after open, free and fair discussion of the differences between the Senate and the House, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the House recede from its position on House Committee Substitute for House Bill No. 1106.

2. That the Senate recede from its position on Senate Committee Substitute for House Committee Substitute for House Bill No. 1106.

3. That the attached Conference Committee Substitute for House Bill No. 1106, be truly agreed to and finally passed.

**FOR THE HOUSE:**

/s/ Dick Franklin  
/s/ Deleta Williams  
/s/ May Scheve  
/s/ Ken Legan  
/s/ Daniel Hegeman

**FOR THE SENATE:**

/s/ Wayne Goode  
/s/ Harry Wiggins  
/s/ Joe Maxwell  
/s/ John Russell  
/s/ Morris Westfall

**CONFERENCE COMMITTEE REPORT  
ON  
HOUSE BILL NO. 1107**

Mr. Speaker: Your Conference Committee appointed to confer with a like committee from the Senate on Senate Committee Substitute for House Committee Substitute for House Bill No. 1107, begs leave to report that we, after open, free and fair discussion of the differences between the Senate and the House, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the House recede from its position on House Committee Substitute for House Bill No. 1107.

2. That the Senate recede from its position on Senate Committee Substitute for House Committee Substitute for House Bill No. 1107.

3. That the attached Conference Committee Substitute for House Bill No. 1107, be truly agreed to and finally passed.

**FOR THE HOUSE:**

/s/ Dick Franklin  
/s/ Deleta Williams  
/s/ May Scheve  
/s/ Ken Legan  
/s/ Emmy McClelland

**FOR THE SENATE:**

/s/ Wayne Goode  
/s/ Harry Wiggins  
/s/ Joe Maxwell  
/s/ John Russell  
/s/ Morris Westfall

**CONFERENCE COMMITTEE REPORT  
ON  
HOUSE BILL NO. 1108**

Mr. Speaker: Your Conference Committee appointed to confer with a like committee from the Senate on Senate Committee Substitute for House Committee Substitute for House Bill No. 1108, begs leave to report that we, after open, free and fair discussion of the differences between the Senate and the House, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the House recede from its position on House Committee Substitute for House Bill No. 1108.
2. That the Senate recede from its position on Senate Committee Substitute for House Committee Substitute for House Bill No. 1108.
3. That the attached Conference Committee Substitute for House Bill No. 1108, be truly agreed to and finally passed.

**FOR THE HOUSE:**

/s/ Dick Franklin  
/s/ Deleta Williams  
/s/ Scott Lakin  
/s/ Ken Legan  
/s/ Bill Foster

**FOR THE SENATE:**

/s/ Wayne Goode  
/s/ Harry Wiggins  
/s/ Joe Maxwell  
/s/ John Russell  
/s/ Morris Westfall

**CONFERENCE COMMITTEE REPORT  
ON  
HOUSE BILL NO. 1109**

Mr. Speaker: Your Conference Committee appointed to confer with a like committee from the Senate on Senate Committee Substitute for House Committee Substitute for House Bill No. 1109, begs leave to report that we, after open, free and fair discussion of the differences between the Senate and the House, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the House recede from its position on House Committee Substitute for House Bill No. 1109.
2. That the Senate recede from its position on Senate Committee Substitute for House Committee Substitute for House Bill No. 1109.
3. That the attached Conference Committee Substitute for House Bill No. 1109, be truly agreed to and finally passed.

**FOR THE HOUSE:**

/s/ Dick Franklin  
/s/ Charles “Quincy” Troupe  
/s/ Glenda Kelly  
/s/ Ken Legan

**FOR THE SENATE:**

/s/ Wayne Goode  
/s/ Harry Wiggins  
/s/ Joe Maxwell  
/s/ John Russell  
/s/ Morris Westfall

**REFERRAL OF SENATE JOINT RESOLUTION**

The following Senate Joint Resolution was referred to the Committee indicated:

**SS SJR 31** - Critical Issues

**REFERRAL OF SENATE BILLS**

The following Senate Bills were referred to the Committee indicated:

**SCS SBs 538 & 565** - Transportation  
**SCS SBs 959 & 598** - Critical Issues

**COMMITTEE REPORTS**

**Committee on Criminal Law**, Chairman Hosmer reporting:

Mr. Speaker: Your Committee on Criminal Law, to which was referred **SS#2 SCS SBs 934, 546, 578, 579 & 782**, begs leave to report it has examined the same and recommends that the **House Committee Substitute Do Pass**.

**Committee on Public Safety and Law Enforcement**, Chairman Kissell reporting:

Mr. Speaker: Your Committee on Public Safety and Law Enforcement, to which was referred **SS SCS SB 763**, begs leave to report it has examined the same and recommends that the **House Committee Substitute Do Pass**.

**Committee on Ways and Means**, Chairman Bray reporting:

Mr. Speaker: Your Committee on Ways and Means, to which was referred **SCR 29**, begs leave to report it has examined the same and recommends that it **Do Pass**.

**MESSAGES FROM THE SENATE**

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate refuses to concur in **HS HCS SS SB 549, as amended**, and requests that the House recede from its position, and failing to do so, grant the Senate a conference thereon.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **HB 1077**.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **HB 1284**.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SCS HB 1454**, entitled:

An act to repeal section 260.285, RSMo Supp. 1999, relating to environmental control, and to enact in lieu thereof one new section relating to environmental control tax incentives, with an emergency clause.

Emergency clause adopted.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the President Pro Tem has appointed the following Conference Committee to act with a like committee from the House on **SCS HB 1591**: Senators Howard, Clay, Staples, Childers and Sims.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SCS HB 1631**, entitled:

An act to repeal sections 311.510, 311.540 and 312.210, RSMo 1994, and sections 311.070 and 311.485, RSMo Supp. 1999, relating to liquor control, and to enact in lieu thereof five new sections relating to the same subject, with penalty provisions.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and adopted **HCS SCS SB 719** and has taken up and passed **HCS SCS SB 719**.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SCS HCS HB 1142**, entitled:

An act to repeal sections 407.850 and 407.870, RSMo 1994, and sections 304.170 and 304.200, RSMo Supp. 1999, relating to the regulation of farm equipment, and to enact in lieu thereof four new sections relating to the same subject.

With Senate Amendment No. 1 and Senate Amendment No. 2

*Senate Amendment No. 1*

AMEND Senate Committee Substitute for House Committee Substitute for House Bill No. 1142, Page 1, In the Title, Line 3, by striking "the regulation of farm equipment" and inserting in lieu thereof the following: "**motor vehicles**"; and

Further amend said bill and page, Section A, Line 4, by inserting after all of said line the following:

"301.010. As used in this chapter and sections 304.010 to 304.040, 304.120 to 304.260, RSMo, and sections 307.010 to 307.175, RSMo, the following terms mean:

(1) "All-terrain vehicle", any motorized vehicle manufactured and used exclusively for off-highway use which is fifty inches or less in width, with an unladen dry weight of six hundred pounds or less, traveling on three, four or more low pressure tires, with a seat designed to be straddled by the operator, and handlebars for steering control;

(2) "Automobile transporter", any vehicle combination designed and used specifically for the transport of assembled motor vehicles;

(3) "Axle load", the total load transmitted to the road by all wheels whose centers are included between two parallel transverse vertical planes forty inches apart, extending across the full width of the vehicle;

(4) "Boat transporter", any vehicle combination designed and used specifically to transport assembled boats and boat hulls;

(5) "Body shop", a business that repairs physical damage on motor vehicles that are not owned by the shop or its officers or employees by mending, straightening, replacing body parts, or painting;

(6) "Bus", a motor vehicle primarily for the transportation of a driver and eight or more passengers but not including shuttle buses;

(7) "Commercial motor vehicle", a motor vehicle designed or regularly used for carrying freight and merchandise, or more than eight passengers but not including vanpools or shuttle buses;

(8) "Cotton trailer", a trailer designed and used exclusively for transporting cotton at speeds less than forty miles per hour from field to field or from field to market and return;

(9) "Dealer", any person, firm, corporation, association, agent or subagent engaged in the sale or exchange of new, used or reconstructed motor vehicles or trailers;

(10) "Director" or "director of revenue", the director of the department of revenue;

(11) "Driveaway operation", the movement of a motor vehicle or trailer by any person or motor carrier other than a dealer over any public highway, under its own power singly, or in a fixed combination of two or more vehicles, for the purpose of delivery for sale or for delivery either before or after sale;

**(12) "Dromedary", a truck-tractor designed for drawing other vehicles and which may carry part of a load when operating independently. When attached to a semi-trailer, it supports a part of the weight thereof;**

(13) "Farm tractor", a tractor used exclusively for agricultural purposes;

[(13)] (14) "Fleet", any group of ten or more motor vehicles owned by the same owner;

[(14)] (15) "Fleet vehicle", a motor vehicle which is included as part of a fleet;

[(15)] (16) "Fullmount", a vehicle mounted completely on the frame of either the first or last vehicle in a saddlemount combination;

[(16)] (17) "Gross weight", the weight of vehicle and/or vehicle combination without load, plus the weight of any load thereon;

[(17)] (18) "Hail-damaged vehicle", any vehicle, the body of which has become dented as the result of the impact of hail;

[(18)] (19) "Highway", any public thoroughfare for vehicles, including state roads, county roads and public streets, avenues, boulevards, parkways or alleys in any municipality;

[(19)] (20) "Improved highway", a highway which has been paved with gravel, macadam, concrete, brick or asphalt, or surfaced in such a manner that it shall have a hard, smooth surface;

[(20)] (21) "Intersecting highway", any highway which joins another, whether or not it crosses the same;

[(21)] (22) "Junk vehicle", a vehicle which is incapable of operation or use upon the highways and has no resale value except as a source of parts or scrap, and shall not be titled or registered;

[(22)] (23) "Kit vehicle", a motor vehicle assembled by a person other than a generally recognized manufacturer of motor vehicles by the use of a glider kit or replica purchased from an authorized manufacturer and accompanied by a manufacturer's statement of origin;

[(23)] (24) "Land improvement contractors' commercial motor vehicle", any not-for-hire commercial motor vehicle the operation of which is confined to:

(a) An area that extends not more than a radius of one hundred miles from its home base of operations when transporting its owner's machinery, equipment, or auxiliary supplies to or from projects involving soil and water conservation, or to and from equipment dealers' maintenance facilities for maintenance purposes; or

(b) An area that extends not more than a radius of twenty-five miles from its home base of operations when



transporting its owner's machinery, equipment, or auxiliary supplies to or from projects not involving soil and water conservation. Nothing in this subdivision shall be construed to prevent any motor vehicle from being registered as a commercial motor vehicle or local commercial motor vehicle;

[(24)] **(25)** "Local commercial motor vehicle", a commercial motor vehicle whose operations are confined solely to a municipality and that area extending not more than fifty miles therefrom, or a commercial motor vehicle whose property-carrying operations are confined solely to the transportation of property owned by any person who is the owner or operator of such vehicle to or from a farm owned by such person or under the person's control by virtue of a landlord and tenant lease; provided that any such property transported to any such farm is for use in the operation of such farm;

[(25)] **(26)** "Local log truck", a commercial motor vehicle which is registered pursuant to this chapter to operate as a motor vehicle on the public highways of this state, used exclusively in this state, used to transport harvested forest products, operated solely at a forested site and in an area extending not more than a fifty-mile radius from such site, carries a load with dimensions not in excess of twenty-five cubic yards per two axles with dual wheels, and is not operated on the national system of interstate and defense highways described in Title 23, Section 103(e) of the United States Code, does not have more than four axles and does not pull a trailer which has more than two axles. A local log truck may not exceed the limits required by law, however, if the truck does exceed such limits as determined by the inspecting officer, then notwithstanding any other provisions of law to the contrary, such truck shall be subject to the weight limits required by such sections as licensed for eighty thousand pounds;

[(26)] **(27)** "Local transit bus", a bus whose operations are confined wholly within a municipal corporation, or wholly within a municipal corporation and a commercial zone, as defined in section 390.020, RSMo, adjacent thereto, forming a part of a public transportation system within such municipal corporation and such municipal corporation and adjacent commercial zone;

[(27)] **(28)** "Log truck", a vehicle which is not a local log truck and is used exclusively to transport harvested forest products to and from forested sites which is registered pursuant to this chapter to operate as a motor vehicle on the public highways of this state for the transportation of harvested forest products;

[(28)] **(29)** "Major component parts", the rear clip, cowl, frame, body, cab, front-end assembly, and front clip, as those terms are defined by the director of revenue pursuant to rules and regulations or by illustrations;

[(29)] **(30)** "Manufacturer", any person, firm, corporation or association engaged in the business of manufacturing or assembling motor vehicles, trailers or vessels for sale;

[(30)] **(31)** "Mobile scrap processor", a business located in Missouri or any other state that comes onto a salvage site and crushes motor vehicles and parts for transportation to a shredder or scrap metal operator for recycling;

[(31)] **(32)** "Motor change vehicle", a vehicle manufactured prior to August, 1957, which receives a new, rebuilt or used engine, and which used the number stamped on the original engine as the vehicle identification number;

[(32)] **(33)** "Motor vehicle", any self-propelled vehicle not operated exclusively upon tracks, except farm tractors;

[(33)] **(34)** "Motor vehicle primarily for business use", any vehicle other than a recreational motor vehicle, motorcycle, motortricycle, or any commercial motor vehicle licensed for over twelve thousand pounds:

(a) Offered for hire or lease; or

(b) The owner of which also owns ten or more such motor vehicles;

[(34)] **(35)** "Motorcycle", a motor vehicle operated on two wheels;

[(35)] **(36)** "Motorized bicycle", any two-wheeled or three-wheeled device having an automatic transmission and a motor with a cylinder capacity of not more than fifty cubic centimeters, which produces less than three gross brake horsepower, and is capable of propelling the device at a maximum speed of not more than thirty miles per hour on level ground;

[(36)] **(37)** "Motortricycle", a motor vehicle operated on three wheels, including a motorcycle while operated with any conveyance, temporary or otherwise, requiring the use of a third wheel. A motortricycle shall not be included in the definition of all-terrain vehicle;

[(37)] **(38)** "Municipality", any city, town or village, whether incorporated or not;

[(38)] **(39)** "Nonresident", a resident of a state or country other than the state of Missouri;

[(39)] **(40)** "Non-USA-std motor vehicle", a motor vehicle not originally manufactured in compliance with United States emissions or safety standards;

[(40)] **(41)** "Operator", any person who operates or drives a motor vehicle;

[(41)] **(42)** "Owner", any person, firm, corporation or association, who holds the legal title to a vehicle or in the event a vehicle is the subject of an agreement for the conditional sale or lease thereof with the right of purchase upon performance of the conditions stated in the agreement and with an immediate right of possession vested in the

conditional vendee or lessee, or in the event a mortgagor of a vehicle is entitled to possession, then such conditional vendee or lessee or mortgagor shall be deemed the owner for the purpose of this law;

[(42)] **(43)** "Public garage", a place of business where motor vehicles are housed, stored, repaired, reconstructed or repainted for persons other than the owners or operators of such place of business;

[(43)] **(44)** "Rebuilder", a business that repairs or rebuilds motor vehicles owned by the rebuilder, but does not include certificated common or contract carriers of persons or property;

[(44)] **(45)** "Reconstructed motor vehicle", a vehicle that is altered from its original construction by the addition or substitution of two or more new or used major component parts, excluding motor vehicles made from all new parts, and new multistage manufactured vehicles;

[(45)] **(46)** "Recreational motor vehicle", any motor vehicle designed, constructed or substantially modified so that it may be used and is used for the purposes of temporary housing quarters, including therein sleeping and eating facilities which are either permanently attached to the motor vehicle or attached to a unit which is securely attached to the motor vehicle. Nothing herein shall prevent any motor vehicle from being registered as a commercial motor vehicle if the motor vehicle could otherwise be so registered;

[(46)] **(47)** "Rollback or car carrier", any vehicle specifically designed to transport wrecked, disabled or otherwise inoperable vehicles, when the transportation is directly connected to a wrecker or towing service;

[(47)] **(48)** "Saddlemount combination", a combination of vehicles in which a truck or truck tractor tows one or more trucks or truck tractors, each connected by a saddle to the frame or fifth wheel of the vehicle in front of it. The saddle is a mechanism that connects the front axle of the towed vehicle to the frame or fifth wheel of the vehicle in front and functions like a fifth wheel kingpin connection. When two vehicles are towed in this manner the combination is called a double saddlemount combination. When three vehicles are towed in this manner, the combination is called a triple saddlemount combination;

[(48)] **(49)** "Salvage dealer and dismantler", a business that dismantles used motor vehicles for the sale of the parts thereof, and buys and sells used motor vehicle parts and accessories;

[(49)] **(50)** "Salvage vehicle", a motor vehicle, semitrailer or house trailer which, by reason of condition or circumstance, has been declared salvage, either by its owner, or by a person, firm, corporation, or other legal entity exercising the right of security interest in it, or by an insurance company as a result of settlement of a claim for loss due to damage or theft; or a vehicle, ownership of which is evidenced by a salvage title; or abandoned property which is titled pursuant to section 304.155, RSMo, or section 304.157, RSMo, and designated with the words "salvage/abandoned property";

[(50)] **(51)** "School bus", any motor vehicle used solely to transport students to or from school or to transport students to or from any place for educational purposes;

[(51)] **(52)** "Shuttle bus", a motor vehicle used or maintained by any person, firm, or corporation as an incidental service to transport patrons or customers of the regular business of such person, firm, or corporation to and from the place of business of the person, firm, or corporation providing the service at no fee or charge. Shuttle buses shall not be registered as buses or as commercial motor vehicles;

[(52)] **(53)** "Special mobile equipment", every self-propelled vehicle not designed or used primarily for the transportation of persons or property and incidentally operated or moved over the highways, including farm equipment, implements of husbandry, road construction or maintenance machinery, ditch-digging apparatus, stone crushers, air compressors, power shovels, cranes, graders, rollers, well-drillers and wood-sawing equipment used for hire, asphalt spreaders, bituminous mixers, bucket loaders, ditchers, leveling graders, finished machines, motor graders, road rollers, scarifiers, earth-moving carryalls, scrapers, drag lines, rock-drilling and earth-moving equipment. This enumeration shall be deemed partial and shall not operate to exclude other such vehicles which are within the general terms of this section;

[(53)] **(54)** "Specially constructed motor vehicle", a motor vehicle which shall not have been originally constructed under a distinctive name, make, model or type by a manufacturer of motor vehicles. The term "specially constructed motor vehicle" includes kit vehicles;

[(54)] **(55)** "Stinger-steered combination", a truck tractor-semitrailer wherein the fifth wheel is located on a drop frame located behind and below the rearmost axle of the power unit;

[(55)] **(56)** "Tandem axle", a group of two or more axles, arranged one behind another, the distance between the extremes of which is more than forty inches and not more than ninety-six inches apart;

[(56)] **(57)** "Tractor", "truck tractor" or "truck-tractor", a self-propelled motor vehicle designed for drawing other vehicles, but not for the carriage of any load when operating independently. When attached to a semitrailer, it supports a part of the weight thereof;

[(57)] (58) "Trailer", any vehicle without motive power designed for carrying property or passengers on its own structure and for being drawn by a self-propelled vehicle, except those running exclusively on tracks, including a semitrailer or vehicle of the trailer type so designed and used in conjunction with a self-propelled vehicle that a considerable part of its own weight rests upon and is carried by the towing vehicle. The term "trailer" shall not include cotton trailers as defined in subdivision (8) of this section and shall not include manufactured homes as defined in section 700.010, RSMo;

[(58)] (59) "Truck", a motor vehicle designed, used, or maintained for the transportation of property;

[(59)] (60) "Truck-tractor semitrailer-semitrailer", a combination vehicle in which the two trailing units are connected with a B-train assembly which is a rigid frame extension attached to the rear frame of a first semitrailer which allows for a fifth-wheel connection point for the second semitrailer and has one less articulation point than the conventional "A dolly" connected truck-tractor semitrailer-trailer combination;

[(60)] (61) "Truck-trailer boat transporter combination", a boat transporter combination consisting of a straight truck towing a trailer using typically a ball and socket connection with the trailer axle located substantially at the trailer center of gravity rather than the rear of the trailer but so as to maintain a downward force on the trailer tongue;

[(61)] (62) "Used parts dealer", a business that buys and sells used motor vehicle parts or accessories, but not including a business that sells only new, remanufactured or rebuilt parts. "Business" does not include isolated sales at a swap meet of less than three days;

[(62)] (63) "Vanpool", any van or other motor vehicle used or maintained by any person, group, firm, corporation, association, city, county or state agency, or any member thereof, for the transportation of not less than eight nor more than forty-eight employees, per motor vehicle, to and from their place of employment; however, a vanpool shall not be included in the definition of the term "bus" or "commercial motor vehicle" as defined by subdivisions (6) and (7) of this section, nor shall a vanpool driver be deemed a "chauffeur" as that term is defined by section 302.010, RSMo; nor shall use of a vanpool vehicle for ride-sharing arrangements, recreational, personal, or maintenance uses constitute an unlicensed use of the motor vehicle, unless used for monetary profit other than for use in a ride-sharing arrangement;

[(63)] (64) "Vehicle", any mechanical device on wheels, designed primarily for use, or used, on highways, except motorized bicycles, vehicles propelled or drawn by horses or human power, or vehicles used exclusively on fixed rails or tracks, or cotton trailers or motorized wheelchairs operated by handicapped persons;

[(64)] (65) "Wrecker" or "tow truck", any emergency commercial vehicle equipped, designed and used to assist or render aid and transport or tow disabled or wrecked vehicles from a highway, road, street or highway rights-of-way to a point of storage or repair, including towing a replacement vehicle to replace a disabled or wrecked vehicle;

[(65)] (66) "Wrecker or towing service", the act of transporting, towing or recovering with a wrecker, tow truck, rollback or car carrier any vehicle not owned by the operator of the wrecker, tow truck, rollback or car carrier for which the operator directly or indirectly receives compensation or other personal gain."; and

Further amend said bill, Page 2, Section 304.170, Line 32, by inserting after "semitrailer" the following: "**or dromedary and semitrailer**"; and

Further amend Line 35, by inserting after "semitrailer" the following: "**or dromedary and semitrailer**"; and

Further amend Line 37, by inserting after "semitrailer" the following: "**or dromedary and semitrailer**"; and

Further amend Line 38, by striking "which" and inserting in lieu thereof the following: "**such semitrailer**"; and

Further amend said bill and section, Page 3, Line 53, by striking "and" and inserting in lieu thereof a comma ","; and

Further amend Line 54, by striking the following: "having a length not in excess of sixty-five feet".

*Senate Amendment No. 2*

AMEND Senate Committee Substitute for House Committee Substitute for House Bill No. 1142, Page 7, Section 407.870, Line 24, by adding after all of said line the following:

“Section 1. Prior to awarding a contract, the office of administration or the state agency responsible for evaluating a contract for the purchase of goods shall evaluate the bids received according to the criteria and procedures established by the department of agriculture for determining if a product is a biobased product and if a product is a biobased product produced in this state. The office of administration or other agency shall first remove bids that offer supplies that are not biobased products or that will not be produced in this state. From among the remaining bids, the office of administration shall select the lowest responsive and responsible bid, from among the bids that offer biobased products that have been produced in this state where sufficient competition can be generated within this state to ensure that compliance with these requirements will not result in an excessive price for the product or acquiring a disproportionately inferior product. If there are two or more qualified bids that offer biobased products that have been produced in this state, it shall be deemed that there is sufficient competition to prevent an excessive price for the product or the acquiring of a disproportionately inferior product. This section applies to all agency procurement offices of this state.”; and

Further amend the title and enacting clause accordingly.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and adopted **HCS SCS SB 721, as amended**, and has taken up and passed **HCS SCS SB 721, as amended**.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate refuses to concur in **HCS SS SB 813, as amended**, and requests that the House recede from its position or, failing to do so, grant the Senate a conference thereon.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the President Pro Tem has appointed the following Conference Committee to act with a like committee from the House on **SCS HS HCS HB 1742, as amended**: Senators Mathewson, Staples, Scott, Russell and Westfall.

## ADJOURNMENT

On motion of Representative Crump, the House recessed until 9:30 p.m. at which time the House then adjourned until 10:00 a.m., Wednesday, May 3, 2000.

## CORRECTIONS TO THE HOUSE JOURNAL

Correct House Journal, Sixty-second Day, Monday, May 1, 2000, pages 1129 and 1130, roll call, by showing Representative Blunt voting "no" rather than "absent with leave".

Pages 1134 and 1135, roll call, by showing Representative Black voting "aye" rather than "absent with leave".

Pages 1148 and 1149, roll call, by showing Representative Barry voting "aye" rather than "absent with leave".

Page 1154, roll call, by showing Representative Crawford voting "aye" rather than "absent with leave".

## **COMMITTEE MEETINGS**

### **AGRI-BUSINESS**

Wednesday, May 3, 2000, 9:00 am. Hearing Room 1.

Executive Session to follow.

To be considered - SB 925, SCR 37

### **APPROPRIATIONS - SOCIAL SERVICES AND CORRECTIONS**

Wednesday, May 3, 2000, 8:00 am. Hearing Room 5.

Department of Social Services. Division of Family Services. CTS Funds.

### **CIVIL AND ADMINISTRATIVE LAW**

Wednesday, May 3, 2000. Hearing Room 1 upon noon adjournment.

Executive Session to follow.

To be considered - SB 885

### **CONFERENCE COMMITTEE - APPROPRIATIONS**

Wednesday, May 3, 2000, 8:00 am. Senate Committee Rooms 2 and 3.

To be considered - HB 1111

### **EDUCATION - ELEMENTARY AND SECONDARY**

Wednesday, May 3, 2000, 8:00 am. Hearing Room 3.

To be considered - HB 2148, SB 851, SB 926

### **EDUCATION - ELEMENTARY AND SECONDARY**

Thursday, May 4, 2000, 8:30 am. Hearing Room 1.

Executive Session. To be considered - SB 851, SB 926

### **FISCAL REVIEW**

Wednesday, May 3, 2000, 8:30 am. Hearing Room 7.

Executive Session. Fiscal Note Review.

To be considered - HB 1159, HB 1888, HB 2011, SB 741, SB 936

### **MISCELLANEOUS BILLS AND RESOLUTIONS**

Wednesday, May 3, 2000, 9:00 am. Hearing Room 6.

Executive Session may follow.

To be considered - HR 295, SCR 39, SJR 50

### **PROFESSIONAL REGISTRATION AND LICENSING**

Wednesday, May 3, 2000, 9:00 am. Hearing Room 4. AMENDED.

Executive Session may or may not be held.

To be considered - SB 1027

**PUBLIC SAFETY AND LAW ENFORCEMENT**

Wednesday, May 3, 2000. Side gallery upon morning adjournment. AMENDED.

To be considered - Executive Session - HCR 33

**RULES, JOINT RULES, AND BILLS PERFECTED AND PRINTED**

Wednesday, May 3, 2000. Hearing Room 3 upon morning adjournment.

To be considered - SJR 53

**TRANSPORTATION**

Wednesday, May 3, 2000. Hearing Room 6 upon morning adjournment.

Executive Session to follow.

To be considered - SB 793, SCR 22, SCR 35

**WORKERS COMPENSATION AND EMPLOYMENT SECURITY**

Wednesday, May 3, 2000. North side gallery upon morning adjournment.

Executive Session.

To be considered - SB 864

**HOUSE CALENDAR**

SIXTY-FOURTH DAY, WEDNESDAY, MAY 3, 2000

**HOUSE JOINT RESOLUTIONS FOR PERFECTION**

- 1 HJR 40, as amended, HA 3, pending - Graham (24)
- 2 HJR 42 - Williams (121)
- 3 HJR 45, HCA 1 - Scheve
- 4 HJR 51 - Clayton

**HOUSE BILLS FOR PERFECTION**

- 1 HCS HB 1747 - Barry
- 2 HB 2102 - Hampton
- 3 HB 1066, HCA 1 - Riback Wilson (25)
- 4 HB 1280 - Clayton
- 5 HB 1502 - Smith
- 6 HCS HB 1547 - Scheve
- 7 HCS HB 1962, 1943, 1425 & 1419 - Dougherty
- 8 HB 1546 - Smith
- 9 HCS HB 1606 - Bray
- 10 HCS HB 1225 - Hosmer
- 11 HCS HB 1540 - Green
- 12 HCS HB 1942 - Liese
- 13 HCS HB 1578 - Shelton
- 14 HB 2056 - Gunn
- 15 HCS HB 1718 - Smith
- 16 HCS HB 1966 - Hosmer

- 17 HCS HB 1997 - Smith
- 18 HCS HB 1336 - Lakin
- 19 HCS HB 1780 - Liese
- 20 HCS HB 1816 - Hosmer
- 21 HCS HB 1357 - Bonner
- 22 HB 1872 - Seigfreid
- 23 HCS HB 1674 - Graham (24)
- 24 HCS HB 1154 - Boucher
- 25 HCS HB 2114 - Hoppe
- 26 HCS HB 1649 - Williams (121)
- 27 HB 1216 - Kelly (27)
- 28 HB 1157, HCA 1 - Boucher

**HOUSE BILLS FOR PERFECTION - INFORMAL**

- 1 HCS HB 1602, as amended - Leake
- 2 HCS HB 1932 - Harlan
- 3 HB 1712 - McKenna
- 4 HS HB 1394, as amended - Murray

**HOUSE CONCURRENT RESOLUTIONS FOR ADOPTION AND THIRD READING**

- 1 HCR 23, (3-16-00, pg. 646) - Bray
- 2 HCR 28, (4-11-00, pg. 916) - Van Zandt
- 3 HCR 34, (5-1-00, pg. 1159) - Clayton
- 4 HCR 31, (5-1-00, pg. 1158) - Hollingsworth

**HOUSE BILLS FOR THIRD READING**

- 1 HS HB 2011, (Fiscal Review, 4-27-00) - Overschmidt
- 2 HS HCS HB 1888, (Fiscal Review, 5-2-00) - Wilson (42)
- 3 HB 1159, (Fiscal Review, 5-2-00) - Boucher

**HOUSE BILLS FOR THIRD READING - CONSENT**

- 1 HB 1828 - Gross
- 2 HB 1095 - Richardson
- 3 HB 1358 - Loudon
- 4 HB 1275 - Chrismer

**SENATE BILLS FOR THIRD READING**

- 1 HCS SB 944 - Smith
- 2 HCS SB 896, E.C. - May (108)
- 3 HCS SB 724 - Farnen
- 4 SB 961, E.C. - Ransdall
- 5 HCS SB 858 - Smith
- 6 SCS SB 779 - Wiggins
- 7 SB 1053 - Days
- 8 HCS SS SCS SB 577 - Ransdall

- 9 HCS SB 741, (Fiscal Review, 5-1-00) - Backer
- 10 HCS SB 936, E.C. (Fiscal Review, 5-1-00) - Bray
- 11 HCS SS SCS SB 763
- 12 HCS SB 922, (Fiscal Review, 5-2-00) - Hagan-Harrell
- 13 HCS SS SCS SB 678 & 742, (Fiscal Review, 5-2-00) - May (108)
- 14 HCS SS SB 902, (Fiscal Review, 5-2-00) - Treadway
- 15 SCS SB 557 - Smith
- 16 SS SCS SB 867 & 552, (Fiscal Review, 5-2-00) - Rizzo

#### **SENATE BILLS FOR THIRD READING - INFORMAL**

- 1 HCS SB 856, Part III, IV & V to HS, a.a., pending - Harlan
- 2 HCS SCS SB 894 - Hoppe
- 3 HCS SB 788 - Barry
- 4 HCS SCS SB 542 - Hoppe

#### **HOUSE BILLS WITH SENATE AMENDMENTS**

- 1 SCS HB 1631 - Hoppe
- 2 SCS HB 1454, E.C. - Hoppe

#### **BILLS CARRYING REQUEST MESSAGES**

- 1 HS HCS SS SB 549, E.C., a.a. (req. House recede/grant conf.) - Van Zandt
- 2 HCS SS SB 813, a.a. (req. House recede/grant conf.) - Kissell

#### **BILLS IN CONFERENCE**

- 1 CCR SCS HCS HB 1102, as amended - Franklin
- 2 CCR SCS HCS HB 1103, as amended - Franklin
- 3 CCR SCS HCS HB 1104 - Franklin
- 4 CCR SCS HCS HB 1105, as amended - Franklin
- 5 CCR SCS HCS HB 1106, as amended - Franklin
- 6 CCR SCS HCS HB 1107, as amended - Franklin
- 7 CCR SCS HCS HB 1108 - Franklin
- 8 CCR SCS HCS HB 1109 - Franklin
- 9 SCS HCS HB 1110, as amended - Franklin
- 10 SCS HCS HB 1111, as amended - Franklin
- 11 SCS HCS HB 1112, as amended - Franklin
- 12 SCS HS HCS HB 1742, as amended - Koller
- 13 SCS HB 1591 - Backer

#### **HOUSE RESOLUTIONS**

- 1 HR 557, (5-1-00, pg. 1160) - Gratz
- 2 HR 504, (5-1-00, pg. 1159) - Gratz